

SUMMARY OF MINUTES

PUBLIC SAFETY COMMITTEE

5:50 P.M., MONDAY, FEBRUARY 9, 2009

COMMITTEE ROOM

ROOM 239, CITY HALL

MEMBERS PRESENT: Council Member Vivian H. Burke, Chair
Council Member Molly Leight, Vice Chair
Council Member Nelson L. Malloy, Jr.
Council Member Wanda Merschel

Chair Burke called the meeting to order and stated that the Committee would first consider the Consent Agenda. No items were removed for discussion.

Council Member Leight made a motion to approve the Consent Agenda. The motion was duly seconded by Council Member Malloy and carried unanimously.

CONSENT AGENDA

- C-1. ORDINANCE AMENDING SECTION 42-122 (f) OF THE CITY CODE RELATING TO 25 MILES PER HOUR SPEED LIMITS - *Englewood Drive*.
- C-2. RESOLUTION APPROVING AGREEMENT WITH UNION CROSS FIRE & RESCUE OF FORSYTH COUNTY, INC. FOR PAYMENT OF DEBT AND APPROVING SUBMISSION OF THE PAYMENT SCHEDULE TO THE NORTH CAROLINA LOCAL GOVERNMENT COMMISSION FOR APPROVAL.
- C-3. PUBLIC SAFETY COMMITTEE SUMMARY OF MINUTES - *January 12, 2009*.

GENERAL AGENDA

- G-1. REPORT ON PROPOSED SPONSORSHIP AND ADVERTISING PROGRAM FOR DRUGFREENC, WINSTON-SALEM DOWNTOWN BASEBALL AND THE WINSTON-SALEM POLICE DEPARTMENT - *"Partners in Prevention"*.

Mr. Scott Cunningham, Chief of Police, stated that this is an innovative program and an outreach effort focused on education, interaction, and involving children to get the message out about substance abuse, gangs, general crime prevention, and peripheral recruitment. The Winston-Salem Police Department is one of ten presenting partners with the baseball stadium and they are the first police unit in the country with this type of relationship. He also noted that it is positive for the City to help build relationships and interact with local youth.

In response to Chair Burke's question, Chief Cunningham stated that there are 1,000 tickets available for youth from the community that may not have an opportunity to attend a baseball game. The Police Department will supply transportation and a meal for the children. Tickets will be available for six games and there will be various ways that children may be selected to receive the tickets. He also stated that the potential for the program is unlimited and the Police Department welcomes the Council's input.

Chair Burke noted that if police officers take interest in the children, there may be a possibility to follow through with local schools, teachers and guidance counselors to help promote the program.

Council Member Leight noted that the Police Department could partner with Big Brothers, Big Sisters or other local community groups.

In response to Council Member Malloy's question, Chief Cunningham stated that the Police Department will utilize a list of social service agencies within the community, outreach through different neighborhoods and a variety of ways to select children.

Chair Burke suggested the Police Department partner with area recreation centers.

Chief Cunningham noted that there will be an advertisement in the program at every game, the Police Department will utilize the screen in the outfield message board and will have full use of the stadium one day each year. He also noted that no taxpayer money is needed for this project.

In response to Council Member Merschel's question, Chief Cunningham stated that the idea came from Drug Free NC and in various conversations, the new baseball stadium was mentioned and the package was created. He also stated that Drug Free NC promotes good choices and healthy decisions and are based out of Raleigh. They like to have local partners and provide outreach to the whole state as a part of Drug Free America. He further stated that they are funded through grants and foundations and are assisting with wording in advertising through the City's marketing department. Chief Cunningham noted that the Police Department will partner with Drug Free NC for six games, but there will be a presence at every game during the season.

Chair Burke requested a progress update after three games.

Council Member Malloy suggested that follow up be done with children who have been chosen to see what they gained from the experience, perhaps through writing an essay.

Chief Cunningham noted that follow up contact will be made to determine additional needs and there is hope that the partnership will help to establish rapport and relationships between the Police Department and the community's children.

In response to Chair Burke's question, Chief Cunningham noted that if there are parents or guardians in a chosen child's household, game tickets will be provided for them as well. He also noted that there will be a short questionnaire for the parent/guardian and child to complete together. Once completed, they will take the questionnaire to customer service to receive a hat and t-shirt.

Council Member Malloy suggested that the Police Department partner with Wake Forest University and Winston-Salem State University athletics in the future.

G-2. CONSIDERATION OF A REQUEST FROM THE SILK PLANT FOREST CITIZEN REVIEW COMMITTEE FOR AN EXTENSION OF TIME TO COMPLETE THE REPORT.

Mr. Guy Blynn, Silk Plant Forest Review Committee (SPFRC) Chair, stated that a letter from the Council Member Burke dated January 30, 2009, requested a specific timeframe for the review to be completed. He also stated that the SPFRC needed an examination of Detective D.R. Williams before a final report can be given, but that examination cannot take place without being issued by the courts. Detective Williams was a key player in the investigation and communication with him is needed to provide more detail. Mr. Blynn stated that the SPFRC can formulate Police Department recommendations by March 17, 2009, or shortly after, but a final report will be lengthy and will take more time.

In response to Chair Burke's question, Mr. Blynn stated that if the court issues a subpoena, he believes that Detective Williams will testify.

Mrs. Angela I. Carmon, City Attorney, stated that the paperwork for a motion of appropriate relief will be filed by the end of the week. Once the paperwork is filed, the motion will have to be calendared and Detective Williams' attorney may request an extension of time. Once a hearing date is set, Detective Williams' attorney may appeal the ruling made by the court. The whole process could take three months to one year.

In response to Council Member Leight's question, Mr. Blynn stated that the transcripts from the motion for appropriate relief are 600 pages long, which the investigators are busy assembling. The SPFRC will determine at its February 12 meeting how to process the document.

In response to Chair Burke's question, Mr. Blynn stated that as the SPFRC develops recommendations, and they are approved, they will be provided to the Council.

In response to Council Member Merschel's question, Mr. Blynn noted that there are several questions remaining and that the SPFRC cannot physically assemble a report by the March 17 deadline as requested by the City Council.

Council Member Merschel expressed concern that any information that could be provided by Detective Williams is separate and beyond the policy and procedures the SPFRC were asked to review. She also stated that there should be sufficient findings at this point in time to make decisions of policy and procedures being adhered to at that time.

Mr. Blynn stated that the SPFRC cannot be as thorough as with Detective Williams' testimony and that virtually none of the policies or procedures in place then still exist today.

Chair Merschel noted that many external reviews have been completed and significant changes have been made to the way the Police Department currently functions and that at some point, the review

will have to end. She expressed her support of the City Council's previous request to have the final report by March 17 as a great deal of time and money have been spent.

Council Member Malloy noted that he would be willing to support an extension and questioned how long the SPFRC thought it would need.

Mr. Blynn stated that the SPFRC will need 75 days after the testimony of Detective Williams is received. He also stated that the SPFRC was asked to investigate the policies and procedures and make recommendations, but the investigation is incomplete. He further stated that the SPFRC will proceed as rapidly as possible.

Council Member Malloy expressed concern with the testimony at the most recent hearing for Kalvin Michael Smith as it seemed to be a direct conflict.

Sergeant Chuck Byrom, SPFRC, noted that he would have to review the testimony transcript as it was just received.

Mr. Blynn noted that he has no experience with the North Carolina courts, yet he suspects a formal proceeding and that the judge will proceed quickly.

Mrs. Carmon noted that Detective Williams' attorney will have the opportunity to object to the subpoena.

Council Member Leight noted that the SPFRC may need an extension beyond the March 17 deadline to give closure to citizens, and stated that the report would be more complete with the questioning of Detective Williams. She suggested an extension to obtain the testimony of Detective Williams or that the SPFRC stop its work due to time constraints. She also noted that it may take several months to review Detective Williams' testimony, if obtained.

Council Member Merschel noted that the SPFRC has cost the City \$145,507.17 to date and noted that it is now a financial issue. She requested an exact account be brought to the Finance Committee to determine whether staff and administrative support is warranted.

Chair Burke expressed concern that two police officers have been detained by the SPFRC and due to the current economy, she suggested that the SPFRC provide what it has by March 17. She also stated that the SPFRC cannot wait to see if a judge will order Detective Williams to testify and its findings and information needs to be provided to the public.

Mr. Blynn noted that the SPFRC will provide as much information as possible and that raw data will be provided, but the synthesis of thousands of pages of documentation will be more time consuming.

Council Member Merschel noted that the SPFRC is behaving the same way as Detective Williams by not complying with the City Council's request.

In response to Chair Burke's question, Mr. Blynn stated that if the court system determines a length of time will pass before Detective Williams is ordered to testify, the SPFRC will continue to proceed

with its review and would supplement any additional findings to its initial report without changing any recommendations.

In response to Chair Burke's question, Mrs. Carmon noted that the motion for appropriate relief will be filed.

Council Member Merschel made a motion that the Council's previously determined deadline adopted on December 17, 2008, remain intact with the March 17, 2009 deadline for the final report.

Mrs. Carmon noted that the original motion stated "within 90 days of December 17," for the SPFRC to wrap up any work, focus on questions of procedures and additional reform measures.

In response to Council Member Malloy's question, Mrs. Carmon stated that the City Council requested a report by March 17 and if there has been no compliance from Detective Williams, March 17 would be the final deadline for all findings, or the report could be supplemented with any additional findings as allowed by the City Council.

Mr. Garrity noted that if Detective Williams' testimony is received, the City Council itself could supplement the SPFRC report.

Chair Burke stated that the City Council should not be allowed to supplement the report.

Council Member Leight suggested that the recommended procedures document be provided by March 17 but allow the possibility of supplementing information obtained in the future.

Mrs. Carmon noted that the Committee could reaffirm the previous motion with the understanding that once the report is submitted, there may be a possibility of supplementing with Detective Williams' testimony.

Council Member Malloy stated that he is not comfortable with these recommendations and questioned how this would affect the investigators and would the SPFRC stop its work.

Mr. Blynn noted that the SPFRC will complete what it is currently working on and compile by March 17.

Lieutenant Joe Ferelli, SPFRC, noted that the investigators still have potential interviews with Calvin Michael Smith and potential polygraphs from witnesses, but they will assist the SPFRC in any way needed and help to accumulate information from interviews and organize materials.

Council Member Leight expressed concern that the volume of material could not be organized into a coherent document.

In response to Chair Burke's question, Mr. Blynn stated that the SPFRC does not want to conclude its review before all facts have been determined but it will do what the City Council requests. Council Member Merschel stated that the City Council requested a final report of a review of policy and procedure that was utilized in a very different Police Department and time by March 17. She

restated her motion to reaffirm the motion made by full Council on December 17. The motion was duly seconded by Chair Burke. The motion failed to carry with two Council Members voting in favor of the motion and two Council Members voting against the motion. Those voting in favor were Chair Burke and Council Member Merschel, with Council Members Leight and Malloy voting against the motion.

Mr. Garrity stated that the motion could be altered to request an interim report by March 17 and possibly grant 90 days after for the final report, thereby establishing an interim and final deadline.

In response to Council Member Merschel's question, Mrs. Carmon confirmed that this is the SPFRC's second extension and third deadline as the original report was due December 16, 2008.

Council Member Merschel noted that citizens want an understanding of policy and procedure and expressed concern that the SPFRC was getting away from the scope of the review and moving more towards judicial review.

Council Member Leight made a motion to request an interim report by March 17 and an extension for the final work of the SPFRC to be complete by June 30. The motion was duly seconded by Council Member Malloy.

Chair Burke abstained from the vote.

The motion carried with a vote of two in favor, one against and one abstaining. Those voting in favor of the motion were Council Members Leight and Malloy, with Council Member Merschel voting against the motion and Chair Burke abstaining from the vote.

Council Member Leight noted that it would be unfair to form the committee and fund the review, only to cut it short.

ADJOURNMENT: 6:51 p.m.