

INTER

OFFICE

MEMO

To: Mayor Allen Joines and Members of the City Council
 From: Lee D. Garrity, City Manager
 Date: September 28, 2007
 Subject: Silk Plant Forest Citizen Review Committee

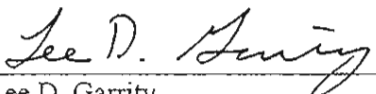
Based upon direction received at the September 10, 2007 Public Safety Committee meeting and subsequent conversations with Council Members, staff proposes establishing a Silk Plant Forest Citizen Review Committee. As proposed, the 3-5 person committee would be chaired by an individual with considerable legal knowledge such as an out of town practicing attorney, a retired judge, attorney, law enforcement officer, or a court clerk. While this individual would be knowledgeable of the legal system, he/she would have no previous involvement with this case. Staff would work with entities such as the WFU and NCCU law schools or the UNC School of Government to identify individuals willing to serve as committee chair.

In addition to the chair, the committee would consist of 2-4 individuals representative of the diverse segments of our community. While preliminary background checks would be conducted on all individuals applying to serve on the committee, staff would eliminate no one and all background information would be forwarded to the Council for consideration in making appointments to the committee. All appointments to the committee would be made by the Mayor and Council.

Deputy City Manager Derwick Paige, who would ensure that needed information is provided to the committee and that they are getting the necessary cooperation from the Police Department, would provide staff support. In addition, two police officers, who have had no previous involvement with this investigation or the first review of same, would work with Mr. Paige. Staff's role would be clearly defined to ensure that the report is clearly directed and approved by the Citizen Committee.

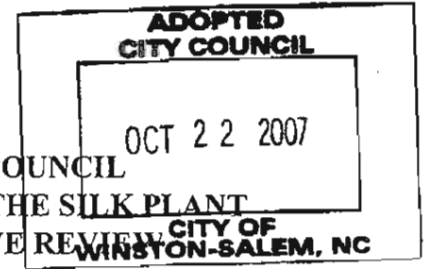
The charge of the committee would be to determine if officers investigating the case followed Police Department policies and procedures. A report would be prepared by the committee and presented to the City Council for its consideration. While the committee would not examine the guilt or innocence of Mr. Calvin Smith, the report would be forwarded to the District Attorney and Mr. Smith's defense attorneys in compliance with the law.

Should the Council approve this proposal; staff will start seeking volunteers to serve on the committee via the methods described herein, as well as through TV13 and other recruitment efforts. A draft resolution establishing this committee is attached. I am available if you have any questions regarding this matter.


 Lee D. Garrity

pc: Derwick L. Paige, Deputy City Manager

10/8/07 – Public Safety Committee unanimously recommended approval of the resolution as amended, with the number of committee members being changed from 5 to 7.



**RESOLUTION OF THE WINSTON-SALEM CITY COUNCIL
ESTABLISHING A CITIZEN REVIEW COMMITTEE FOR THE SILK PLANT
FOREST POLICE INVESTIGATION ADMINSTRATIVE REVIEW**

WHEREAS, it is desirable to create a citizen review committee for the Jill Marker – Silk Plant Forest police investigation.

NOW, THEREFORE, BE IT RESOLVED, upon the recommendation of the Public Safety Committee of the Winston-Salem City Council, that a review committee is established as follows:

Section 1. Creation and purpose.

There is hereby created a review committee whose purpose it shall be to review the police department’s investigation into the Jill Marker – Silk Plant Forest police investigation.

Section 2. Membership and appointment.

The Committee shall be composed of a maximum of seven (7) members appointed by the City Council upon the recommendation of the Mayor. Such members shall not include citizens who have had any past involvement with the Silk Plant Forest investigation. At least two of the members of the Committee shall have legal and/or criminal justice experience. No City staff shall be eligible to serve. Members shall be representative of the diversity present in the Winston-Salem community.

Section 3. Terms of office, vacancies, and compensation.

It is the intent of the City Council that the review shall be thorough. Therefore, all initial appointments shall be for a term that will expire when the review is completed. Any vacancy shall be filled only for the unexpired portion of the term. Members shall serve without compensation.

Section 4. Officers.

The chair of the Committee shall be one of its members who shall be appointed by the City Council, upon the recommendation of the Mayor. The chair shall have considerable legal experience. The Committee shall elect from its members a vice chair who shall serve in the absence of the chair.

Section 5. Duties and responsibilities.

The City Council has requested a complete review of the Jill Marker – Silk Plant Forest police investigation. In conjunction with this review, the Committee shall undertake the following actions:

- (a) Approve the scope of the administrative review; and
- (b) Approve the methodology and timetable for the administrative review; and
- (d) Direct city staff in assisting with the review; and
- (e) Approve a final report, with any recommendations the Committee may have, and then forward a final report to the City Council.

To assist the Committee with this review, the City Manager shall undertake the following actions:

- (a) Ensure complete cooperation from the Police Department; and
- (b) Assign city staff as needed to assist the Committee; and
- (c) Ensure that any information uncovered that may have a bearing on the guilt or innocence of Calvin Smith is promptly forwarded to the District Attorney and Calvin Smith's defense attorneys in compliance with the law.

Section 6. Meetings.

The Committee shall hold regular public meetings not less than once a quarter provided, however, the information is not considered confidential pursuant to N.C.G.S. 160A-168 and not already subject to an existing court order.

BE IT FURTHER RESOLVED, that this resolution shall become effective upon adoption by the City Council.