

**David Whitaker, Esq.**  
*Director*  
**Irvin Corley, Jr.**  
*Executive Policy Manager*  
**Marcell R. Todd, Jr.**  
*Senior City Planner*  
**Janese Chapman**  
*Deputy Director*

**John Alexander**  
**LaKisha Barclift, Esq.**  
**M. Rory Bolger, Ph.D., AICP**  
**Elizabeth Cabot, Esq.**  
**Tasha Cowen**  
**Richard Drumb**  
**George Etheridge**  
**Deborah Goldstein**

**City of Detroit**  
**CITY COUNCIL**  
**LEGISLATIVE POLICY DIVISION**  
208 Coleman A. Young Municipal Center  
Detroit, Michigan 48226  
Phone: (313) 224-4946 Fax: (313) 224-4336

**Christopher Gulock, AICP**  
**Derrick Headd**  
**Marcel Hurt, Esq.**  
**Kimani Jeffrey**  
**Anne Marie Langan**  
**Jamie Murphy**  
**Carolyn Nelson**  
**Kim Newby**  
**Analine Powers, Ph.D.**  
**Jennifer Reinhardt**  
**Sabrina Shockley**  
**Thomas Stephens, Esq.**  
**David Teeter**  
**Theresa Thomas**  
**Kathryn Lynch Underwood**  
**Ashley A. Wilson**

**TO:** The Honorable Detroit City Council

**FROM:** David Whitaker, Director   
Legislative Policy Division (LPD) Staff

**DATE:** June 30, 2020

**RE:** **Resolution Supporting Dismissal of Charges**

The Public Health and Safety standing committee, on June 29, 2020, assigned LPD to revise a previously submitted draft resolution in support of dismissal of charges in connection with recent George Floyd demonstrations. Both the original and the requested draft LPD resolutions are attached.

If Council has any other questions or concerns regarding this subject, LPD will be happy to provide further research and analysis upon request.

**RESOLUTION URGING DISMISSAL OF CRIMINAL CHARGES AGAINST  
INDIVIDUALS ARRESTED FOR PARTICIPATING IN RECENT PROTESTS  
AGAINST POLICE BRUTALITY**

**BY COUNCIL MEMBER CASTAÑEDA-LÓPEZ:**

- WHEREAS,** The mission of the Detroit City Council is to promote the economic, cultural and physical welfare of Detroit’s citizens through Charter-mandated legislative functions and policy; and
- WHEREAS,** African Americans have long been disproportionately affected by surveillance technology and the target of racially-discriminatory policing. Police use of force is a leading cause of death for young men of color. Blacks are significantly more likely to endure police brutality than whites, revealing that structural racism permeates the US law enforcement system; and
- WHEREAS,** The murder of George Floyd on May 25, 2020, after a police officer pressed his knee into Mr. Floyd’s neck for nearly nine minutes, obstructing his breathing, as well as the equally senseless police murders of Breonna Taylor, Ahmaud Arbery, and other unarmed black individuals has sparked widespread protest, indignation and mourning across the country and in Detroit. As a result, thousands took to the streets in solidarity to engage in demonstrations against police brutality and systemic racism; and
- WHEREAS,** Protesters have voiced their outrage at a society and system of government that is inherently racist. Police brutality is one part of a larger system of racism that has devastating effects on black communities. As the Pediatric Infectious Diseases Society recently stated, “structural racism is more harmful to the health and well-being of children than infectious diseases, including COVID-19.” In keeping with the long tradition of civil rights movements, Detroiters have marched in our streets and communities to keep unjustified police violence in the public eye, and have advocated for the immediate divesting of excessive funding for, and demilitarization of, police departments, and against police surveillance, among other things; and
- WHEREAS,** The First Amendment rights to freedom of speech, assembly, and to petition the government are foundational principles of a functioning democracy. The Supreme Court has stated that the “principle function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger”. Public streets and other spaces have historically served as key places to exercise these rights, make democracy real and voice dissent and political expression to stimulate public discourse and bring about social change; and
- WHEREAS,** The mass arrests of protestors who sought to exercise their constitutional rights to peaceably assemble have further fueled tensions between law enforcement and members of the community, and impede the urgently needed dialogue about systemic injustice and police brutality. **NOW THEREFORE BE IT**

**RESOLVED**, Detroit City Council strongly urges local law enforcement officials to dismiss all charges and not pursue prosecutions in cases stemming from individuals' participation in recent protests related to police brutality and racial justice. **AND BE IT FINALLY**

**RESOLVED**, That a copy of this resolution be transmitted to Mayor Mike Duggan, Detroit Police Chief James Craig, Detroit Corporation Counsel Lawrence Garcia, and Wayne County Prosecutor Kym Worthy.

June 12, 2020

**RESOLUTION URGING DISMISSAL OF NON-FELONY CRIMINAL CHARGES  
AGAINST INDIVIDUALS ARRESTED FOR PARTICIPATING IN RECENT  
PROTESTS AGAINST POLICE BRUTALITY**

**BY DETROIT CITY COUNCIL**

**WHEREAS,** The mission of the Detroit City Council is to promote the economic, cultural and physical welfare of Detroit’s citizens through Charter-mandated legislative functions and policy; and

**WHEREAS,** African Americans have long been disproportionately affected by surveillance technology and the target of racially-discriminatory policing. Police use of force is a leading cause of death for young men of color. Whether in constitutionally protected, nonviolent mass demonstrations or in the course of activities of daily living, blacks are significantly more likely to endure police brutality than whites, revealing that structural racism permeates the US law enforcement system; and

**WHEREAS,** The murder of George Floyd on May 25, 2020, after a police officer pressed his knee into Mr. Floyd’s neck for nearly nine minutes, obstructing his breathing, as well as the equally senseless police murders of Breonna Taylor, Ahmaud Arbery, and other unarmed black individuals has sparked widespread protest, indignation and mourning across the country and in Detroit. As a result, thousands took to the streets in solidarity to engage in demonstrations against police brutality and systemic racism; and

**WHEREAS,** Protesters have voiced their outrage at a society and system of government that is inherently racist. Police brutality is one part of a larger system of racism that has devastating effects on black communities. As the Pediatric Infectious Diseases Society recently stated, “structural racism is more harmful to the health and well-being of children than infectious diseases, including COVID-19.” In keeping with the long tradition of civil rights movements, Detroiters have marched in our streets and communities to keep unjustified police violence in the public eye, and have advocated for the immediate divesting of excessive funding for, and demilitarization of, police departments, and against police surveillance, among other things; and

**WHEREAS,** The First Amendment rights to freedom of speech, assembly, and to petition the government are foundational principles of a functioning democracy. The Supreme Court has stated that the “principal function of free speech under our system of government is to invite dispute. It may indeed best serve its high purpose when it induces a condition of unrest, creates dissatisfaction with conditions as they are, or even stirs people to anger”. Public streets and other spaces have historically served as key places to exercise these rights, make democracy real and voice dissent and political expression to stimulate public discourse and bring about social change. To the extent participants in the recent demonstrations following the murder of George Floyd may have been arrested merely for participating in these constitutionally protected, nonviolent collective actions, such as technical violations of curfew or “disorderly”, provocative speech or actions that did not rise to a level of physical harm or danger to persons or property, police and prosecutors should dismiss such charges for the good of the City as well as all parties; and

**WHEREAS,** The mass arrests of protestors who sought to exercise their constitutional rights to peaceably assemble, as distinguished from individuals, if any, against whom there is strong evidence of their personal involvement in violence against persons or property, have further fueled tensions between law enforcement and members of the community, and impede the urgently needed dialogue about systemic injustice and police brutality. **NOW THEREFORE BE IT**

**RESOLVED,** Detroit City Council strongly urges local law enforcement officials to dismiss charges and not pursue prosecutions in non-felony cases stemming from individuals' mere participation in recent nonviolent protests related to police brutality and racial justice. **AND BE IT FINALLY**

**RESOLVED,** That a copy of this resolution be transmitted to Mayor Mike Duggan, Detroit Police Chief James Craig, Detroit Corporation Counsel Lawrence Garcia, and Wayne County Prosecutor Kym Worthy.

July 7, 2020