

1 **STATE OF GEORGIA**
2 **COUNTY OF FULTON**
3 **CITY OF SOUTH FULTON**

RES-2021-023

4
5 **A RESOLUTION RECOGNIZING THE INJUSTICE COMMITTED AGAINST THE**
6 **EXONERATED FIVE; CREATING A CODE OF CONDUCT WITHIN THE CITY TO BE**
7 **KNOWN AS THE EXONERATED FIVE YOUTH INTERROGATION POLICY AND FOR**
8 **OTHER LAWFUL PURPOSES**
9

10 **(Sponsored by Councilman Baker)**
11

12 **WHEREAS**, the City of South Fulton ("City" or "COSF") is a municipal corporation
13 duly organized and existing under the laws of the State of Georgia;
14

15 **WHEREAS**, the duly elected governing authority of the City, is the Mayor and
16 Council thereof ("City Council");

17 **WHEREAS**, the City County is dedicated to ensuring equity and fair treatment
18 within the City;
19

20 **WHEREAS**, in April of 1989, the assault of a female jogger in the state of New
21 York led to the quick arrest and wrongful conviction of five black and Latino children:
22 Antron McCray, 15, Kevin Richardson, 15, Yusef Salaam, 15, Raymond Santana, 14, and
23 Korey Wise, 16 (known as the "Exonerated Five");
24

25 **WHEREAS**, after serving prison sentences that spanned from six to thirteen years,
26 DNA evidence and a confession proved that convicted rapist Matias Reyes committed
27 the heinous crime and not the Exonerated Five;
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29 **WHEREAS**, the wrongful convictions against the Exonerated Five were thereafter
30 vacated;
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32 **WHEREAS**, the wrongful convictions of the Exonerated Five have highlighted the
33 fact that children are especially vulnerable to offering false confessions during
34 interrogation;
35

36 **WHEREAS**, the National Registry of Exonerations has reported that up to 38% of
37 the exonerations of crimes allegedly committed by children involved false confessions;
38

39 **WHEREAS**, the City Council desires through this Resolution to create positive
40 change in recognition of the gross injustices committed against the Exonerated Five and
41 others; and

42 **WHEREAS**, the City Council further desires through this Resolution to help reduce
43 the risk of false confessions by children within the City in protection of its most vulnerable;

WHEREAS, this Resolution shall be known as the **COSF Exonerated Five Youth Interrogation Policy**; and

WHEREAS, this Resolution is in the best interests of the health, protection and general welfare of the City, U.S. and world.

THE COUNCIL OF THE CITY OF SOUTH FULTON, GEORGIA, HEREBY
RESOLVES as follows:

Section 1. COSF Exonerated Five Youth Interrogation Policy. The City Police Chief is hereby instructed to cause for City police general operating procedures to be updated within thirty days of the effective date of this Resolution, to include the following policy:

Where a person under the age of eighteen years of age ("Minor") is subject to interrogation by a City police officer, the interrogation, including the giving of any required notice to the Child as to his or her rights, shall be video recorded in a manner such that persons in the recording are identifiable and the speech is intelligible.

Section 2. It is hereby declared to be the intention of the City Council that: (a) All sections, paragraphs, sentences, clauses and phrases of this Resolution are or were, upon their enactment, believed by the City Council to be fully valid, enforceable and constitutional.

(b) To the greatest extent allowed by law, each and every section, paragraph, sentence, clause or phrase of this Resolution is severable from every other section, paragraph, sentence, clause or phrase of this Resolution. No section, paragraph, sentence, clause or phrase of this Resolution is mutually dependent upon any other section, paragraph, sentence, clause or phrase of this Resolution.

(c) In the event that any phrase, clause, sentence, paragraph or section of this Resolution shall, for any reason whatsoever, be declared invalid, unconstitutional or otherwise unenforceable by the valid judgment or decree of any court of competent jurisdiction, it is the express intent of the City Council that such invalidity, unconstitutionality or unenforceability shall, to the greatest extent allowed by law, not render invalid, unconstitutional or otherwise unenforceable any of the remaining phrases, clauses, sentences, paragraphs or sections of the Resolution.

Section 3. The city attorney and city clerk are authorized to make non-substantive editing and renumbering revisions to this Resolution for proofing, codification, and supplementation purposes. The final version of all resolutions shall be filed with the city clerk.

84 **Section 4.** The effective date of this Resolution shall be the date of adoption,
85 unless provided otherwise by the City Charter or state and/or federal law.
86

87 **Section 5.** The admissibility of all confessions shall be determined in accordance
88 with state and federal law. Nothing in this Resolution shall be interpreted to conflict with
89 and or limit the admissibility of any confession under state and/or federal law. A willful
90 violation of the policy established under this Resolution shall subject the offender to
91 disciplinary action.
92

The foregoing RESOLUTION No. 2021-023, adopted on May 25, 2021 was offered by Councilmember Baker, who moved its approval. The motion was seconded by Councilmember Gumbs, and being put to a vote, the result was as follows:

	AYE	NAY
William "Bill" Edwards, Mayor	<u> X </u>	<u> </u>
Carmalitha Gumbs,	<u> X </u>	<u> </u>
Catherine Foster Rowell	<u> X </u>	<u> </u>
Helen Zenobia Willis, Mayor Pro Tem	<u> X </u>	<u> </u>
Gertrude Naeema Gilyard	<u> X </u>	<u> </u>
Corey Reeves	<u> X </u>	<u> </u>
khalid kamau	<u> X </u>	<u> </u>
Mark Baker	<u> X </u>	<u> </u>

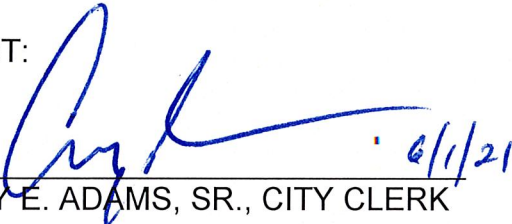
THIS RESOLUTION adopted this 25TH day of May 2021.

CITY OF SOUTH FULTON, GEORGIA



WILLIAM "BILL" EDWARDS, MAYOR

ATTEST:



COREY E. ADAMS, SR., CITY CLERK

APPROVED AS TO FORM:



VINCENT D. HYMAN, CITY ATTORNEY

