DOVER HUMAN RELATIONS COMMISSION
MINUTES OF JULY 27, 2011
CITY HALL COUNCIL CHAMBERS

Present: Chair Roy Sudler, Jr. Commissioners Ellen Wasfi, Maisha Britt, Vice Chair Willie Jones. Commissioners Dawn Allen-Pyne and Phyllis Edamatsu arrived late.

Call to Order: The meeting was called to order at 7:05, and the roll was called, and then there was a moment of silence.

Agenda Additions: Under "New Business" Chair Sudler added an Item: Review of Application. Commissioner Britt made a motion to accept the addition, and Commissioner Wasfi seconded. All voted in favor of the motion.

Adoption of Minutes: There was a correction made to the Minutes from May 25, 2011 on page 2. Also another correction was made to page 3 of the Annual Report, attachment # 4 of the May minutes. Commissioner Britt made a motion to correct, and Commissioner Wasfi seconded. All voted in favor of the corrections. Then Vice Chair Jones made a motion to adopt the Minutes from June 22, 2011. Commissioner Wasfi seconded the motion, and the minutes were adopted without correction.

Comments/Presentations from Members of the Community: Dennis Coker from Cheswold, and William H. Daisey from Dover came to the meeting to discuss the issues and history of the Native American Indian Tribes in Delaware. Chief Coker spoke first and told the Commission about his own roots in Kent County and his tribe, the Lenape, who consist of about 800 people who live around Cheswold. Members of his community can trace their ancestors back to the early 1800's. Some of the issues that Chief Coker discussed were; disavowing of The Doctrine of Discovery from the 1660's, and support for the UN's Declaration of the Rights of Indigenous Peoples from 2007. He agrees with the UN that Indians should have the right to speak their own language, cultivate their own culture, practice their own religion, and govern themselves. He states that the Indians have been denied opportunity for higher education, and that they are discriminated against because of their race. He spoke of how the elders of his tribe taught them to "hide in plain sight" in order to survive. He wants to be free to discuss and celebrate their symbiotic connection to their land, and to practice their customs and beliefs. Vice Chair Jones thanked the chief for educating the Commission. Commissioner Wasfi told him that the DHRC wants to work with them to highlight and recognize these issues. The Commission can submit recommendations to the Dover City Council, which may result in helping to educate the public about the Indians and their status. Chair Sudler asked what language was spoken among the tribes. He also asked what percentage of Indian heritage made a person considered a citizen of the Indian Nation. Chair Sudler asked if the Indians got any tax breaks from the IRS or state. Commissioner Wasfi recommended that the resolution that was passed by the State Assembly should be used as a template and that DHRC could work together with Chief Coker to make recommendations and produce background documents and historical proofs. Next, Chief Daisey came before the DHRC and told a bit of history of the Nanticoke who were originally in southern Delaware near Laurel. He also spoke of how

bad the Indian schools were when he was growing up. He said that many Indians try to remain invisible so that they are not targeted for their race. He appreciated DHRC asking them to come before the Commission, and thanked Chair Sudler for inviting them. He feels that the Indians have come a long way, and should not be ashamed of their heritage. Commissioner Britt asked what is the Indian population in Delaware, and found out that there are 4,500. Commissioner Wasfi asked if they have an office of Indian Affairs in Dover, and was told that there was supposed to be one, but it is not functional. Chair Sudler wanted to know if the Nanticoke Memorial Hospital was affiliated with his tribe, and found out that it was not.

Chair's Report: Chair Sudler read his report and gave the Commissioners time to review it. (See attachment #1).

Committee Reports:

A. Intake Screenings: Commissioner Britt excused herself from working on the intake form for Jeremy Kopp because of a conflict of interest.
B. School Programs: had no report
C. Community Programs: had no report
D. Assessment: Commissioner Edamatsu handed out the results of her survey from the Boys and Girls Club Meeting (see Attachment #2)

Unfinished Business:

A. Mental Health Forum: Commissioner Wasfi made a motion to send the updated draft to the City Council. Commissioner Britt seconded, and all voted in favor.
B. 2010 Annual Report: One correction was made (as stated earlier, page 3 to attachment #4 of May 25 Minutes)

New Business: Chair Sudler had obtained an undated application that was received for the position of DHRC commissioner. He was told that the City Council wants DHRC to participate in the interview and selection process. Commissioner Britt made a motion to draft a letter to the City Council for clarification in regards to the processing of applications for DHRC commissioners. Commissioner Pyne seconded the motion, and all voted in favor.

Next Meeting: Chair Sudler suggested that the Commission meet in August to make up for meetings that were lost due to weather and lack of a quorum. After some discussion, Commissioner Wasfi made a motion to meet on August 24, 2011. Commissioner Britt seconded, and all voted in favor.

Adjournment: the meeting was adjourned at 9:05 pm.

Minutes taken and submitted by Mary Walson

Attachment #1

RESEARCH ON DELAWARE'S CRIMINAL VIOLATIONS & CODES FOR RECOMMENDATIONS FOR THE MAYOR & CITY COUNCIL

June 9, 2011

TO: DHRC Chair Roy Sudler, Jr.

FROM: Commissioner Maisha Britt

Pertaining to your request of June 8th:

§ 1315. Public intoxication; unclassified misdemeanor; violation.

A person is guilty of public intoxication when the person appears in a public place manifestly under the influence of alcohol or narcotics or any other drug not administered or prescribed to be taken by a physician, to the degree that the person may be in danger or endanger other persons or property, or annoy persons in the vicinity.

Public intoxication is a violation, unless the accused has been convicted of public intoxication twice before within 1 year, in which case the offense is an unclassified misdemeanor.

11 Del. C. 1953, § 1315; 58 Del. Laws, c. 497, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1.;

Opinion: The question to the Police Chief would be, "Was the instigating female intoxicated?" If so, "Had she been convicted of intoxication twice before within 1 year?" If so, then the offense/charge against her would be an unclassified misdemeanor.

If she had been convicted once for intoxication within 1 year, this would be her second offense, which would be a violation and if cited for intoxication a 3rd time, the offense/charge would be an unclassified misdemeanor.

If the female was intoxicated and no prior violation within 1 year, then she should be charged with a violation for a first offense under the DE Criminal Code, Title 11, Code 1315.

§ 1301. Disorderly conduct; unclassified misdemeanor.

A person is guilty of disorderly conduct when:

(1) The person intentionally causes public inconvenience, annoyance or alarm to any other person, or creates a risk thereof by:

a. Engaging in fighting or in violent, tumultuous or threatening behavior; or

b. Making an unreasonable noise or an offensively coarse utterance, gesture or display, or addressing abusive language to any person present; or

c. Disturbing any lawful assembly or meeting of persons without lawful authority; or

d. Obstructing vehicular or pedestrian traffic; or

e. Congregating with other persons in a public place and refusing to comply with a lawful order of the police to disperse; or

f. **Creating a hazardous** or **physically offensive condition** which serves no legitimate purpose; or

g. Congregating with other persons in a public place while wearing masks, hoods or other garments rendering their faces unrecognizable, for the purpose of and in a manner likely to imminently subject any person to the deprivation of any rights, privileges or immunities secured by the Constitution or laws of the United States of America.

(2) **The person engages with at least 1 other person in a course of disorderly conduct as defined in paragraph (1) of this section which is likely to cause substantial** harm or serious inconvenience, **annoyance or alarm**, and refuses or knowingly fails to obey an order to disperse made by a peace officer to the participants.

Disorderly conduct is an unclassified misdemeanor.

11 Del. C. 1953, § 1301; 58 Del. Laws, c. 497, § 1; 59 Del. Laws, c. 203, §§ 23, 24; 63 Del. Laws, c. 305, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1.;

Opinion: If the instigating female threw a liquid substance onto another, then this act could cause alarm and annoyance to the person being violated.

The disorderly conduct begins with the person throwing the liquid and the person being violated creates the 'at least one other person' thus substantiating the Disorderly Conduct as an unclassified misdemeanor.

§ 1302. Riot; class F felony.

A person is guilty of riot when the person participates with 2 or more persons in a course of disorderly conduct:

(1) With intent to commit or facilitate the commission of a felony or misdemeanor; or

(2) With intent to prevent or coerce official action; or

(3) When the accused or any other participant to the knowledge of the accused uses or plans to use a firearm or other deadly weapon.

Any other provision of this Criminal Code notwithstanding, whoever violates this section shall be guilty of a class F felony.

Any other provision of this Criminal Code or Title 10 notwithstanding, any person over 16 years old who violates this section shall be prosecuted as an adult.

11 Del. C. 1953, § 1302; 58 Del. Laws, c. 497, § 1; 67 Del. Laws, c. 130, § 8; 70 Del. Laws, c. 186, § 1.;

Opinion: I believe that the incident escalated as a result of the disorderly conduct of the person who threw the liquid on another, and was not premeditated, or intentionally planned to constitute a Riot; class F Felony offense. Sensitivity training and mandatory counseling for several issues for participants would probably be more appropriate.

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Agenda Addition:

Review Application submitted to the City Clerks Office in reference to the Dover Human Relations Commission

Chair's Report (Sudler)

On **June 9, 2011** I asked Intake Chair Dr. Maisha Britt to review the order of events that lead to the Reed & New Street Brawl and apply the Delaware Criminal Code Manual to the incident. [**Please see letter to Chair - Sudler from Intake Chair -Dr. Britt**]

COMMISSION'S POWERS & DUTIES:

Pursuant to Section 58 - 31 Titled: Purpose;

1. Fairness, respect, promote and develop an environment of fairness and respect among all citizens
2. Monitoring: Develop ways to measure and monitor community relations particularly those that are sources of intergroup conflict.

{**Code 1981 Code 2 - 16; Ordinance of 2 – 11 – 2002**}

Pursuant to Section 58 – 36 Powers & Duties

5. Research, Educate, engage in such in the judgment of the commission or the city council, may be needed to improve human relations in the city of Dover

{**Code 1981 Code 2 – 21 -; Ordinance of 2 – 11 – 2002**}

DELAWARE'S CRIMINAL CODES:

§ 1315. Public intoxication; unclassified misdemeanor; violation.

§ 1301. Disorderly conduct; unclassified misdemeanor.

§ 1302. Riot; class F felony.

On **July 21, 2011,** I called the City Clerks Office to request a copy of applications filed for the Dover Human Relations Commission.

On **July 27, 2011 @ 11:37 a.m**. I spoke with Chief Dennise Coker to invite a representative from their tribe to discuss current issues and concerns of the most Native American Indian Tribes. Chief Coker was very enthusiastic about meeting with the Commission and said, "That he would be attending tonight's meeting"

ATTACHMENT #2
7-27-11

Dover Human Relations Commission
Survey from Boys and Girls Club meeting
Total people responding: 16

Q1: Name

Q2: What resources or programs would you like to see the City of Dover implement in your community?

Sex offenders:
More programs for sex offenders (two respondents)

Finances/economic help
Help financially (same two respondents)
Economic opportunities
Financial help in housing (low income)

Race/relations and related
Hispanic relations
Race relations education pursuant to findings in the Delaware Supreme Court on Racial and Ethnic Fairness Report of 1996

Youth
Youth programs
More safe facilities for young people that embraces learning beyond curriculum standards Promotion of art and showcasing talents.
More youth services

Drugs
Drug reduction programs

Education/vocational
Programs that allows or teaches minorities to understand using computers for completing job applications along with security deposit for utility deposit for electricity.

Other
The media
Community and faith-based organization
Awareness without deception

Q3: Do you consider your community environment to be safe, and pleasant or undesireable?

A. Pleasant: 14 (87.5%) chose this but two added other comments and several chose both peasant and undesirable.
One wrote: Pleasant for the most part but some areas of concern. This person on question 6 wrote "drug activity."
Another wrote: Pleasant but we must be more pro-active.

B. Undesirable because -- there were 5 responses:
4 responses said because of drug activity/drugs being sold in our neighborhood
1 person wrote because of institutional racism in the courts and judiciary.

Q4: Does the community that your reside in have graffiti or gang activity visible?

2 people (12.5%) checked **"yes"** and 14 (87.5%) checked **"no"**.

Q5: Do you know who your community police officer is?

All 16 checked **"no"**.

Q6: In your opinion, what is the most significant cause of disruptive behavior among youth in the City of Dover?

8 people listed drugs or "dope"
4 of these 8 included violence (drugs and violence), a 5th person wrote "graffiti, drugs, gangs" while a 6th person included "no respect fo elders"

1 wrote "moral decline"

5 people noted lack of opportunity and/or lack of productive activities
This included "lack of productive activity for underprivileged kids"
or "poor family situation/few economic opportunity", "lack of real opportunity", "lack of activities".
One person wrote: "Lack of role models they can look up to. Young people are not giving back to young people behind them."