

Crime Commission Meeting
Madison Heights, Michigan
June 13, 2023

A Crime Commission Meeting was held on Tuesday, June 13, 2023 at 2:30 PM at City Hall - Executive Conference Room, 300 W. 13 Mile Rd.

CALL TO ORDER

Meeting called to order at 2:31 p.m.

ROLL CALL

PRESENT

Martha Covert
Margarette Marentette
Anthony Roberts
Beth Scott
Alternate Alexandra Iaquinto
Council Representative Sean Fleming
Alternate Council Representative Quinn Wright

ABSENT

Jeffrey Hilliard - unexcused

ADDITIONS/DELETIONS

Chief Haines requested discussion on possible change to Ordinance # 2194, Interference with the Police Department.

Motion made by Roberts, Seconded by Covert to add Discussion on Possible Changes to Ordinance #2194, Interference with the Police Department to the Agenda, under New Business
Voting Yea: Marentette, Scott, Alternate Iaquinto, Council Representative Fleming

APPROVAL OF MINUTES

Minutes from April 11, 2023 meeting were approved.

Motion made by Roberts, Seconded by Marentette.

Voting Yea: Covert, Scott, Alternate Iaquinto, Council Representative Fleming

MEETING OPEN TO THE PUBLIC

None present.

REPORTS

Chief's Report

Chief Haines stated his report is limited, but as everyone knows, I am retiring at the end of the month. Brent LeMerise will be the next Chief of Police, but this is not official yet. That will go in front of City Council on the 26th of June. The new Deputy Chief position was posted this morning so we may have both the Chief and the new DC appointed at the next City Council meeting.

Council Report

Councilman Fleming said everyone from Crime Commission was at the Bike Rodeo except Beth and the Bike Rodeo went fine and we were able to give out a lot of helmets.

UNFINISHED BUSINESS

Follow up from Human Trafficking Town Hall Meeting on April 27, 2023

There was a good turn out for the presentation. Commissioner Scott said that the power point presentation was too small on the screens, and it was hard to read. Commissioner Marentette said that she thought it was good and very informative. We received a lot more information this time then we have in the past. Chief Haines said we will make note of the presentation and do a test run before the next presentation. Councilman Wright suggested we can look into the library and maybe use a larger screen next time.

Follow up from Bike Rodeo/Open House on June 10, 2023

Chief Haines stated that the Bike Rodeo went really well and there were a lot of positive compliments from people at the Bike Rodeo and on social media. Chairperson Covert wanted to thank the Chief and Councilman Fleming for everything that was brought to the Crime Commission table and that everyone had a great time. Chief Haines thanked his administrative assistant for the behind the scenes work for the Bike Rodeo. This year's rodeo was probably the cheapest rodeo we put on because of the gift cards and donations that we received. Chairperson Covert also thanked the Crime Commission for their attendance at the Bike Rodeo and their assistance.

Town Hall at Police Department for Resident Concerns

Chief Haines recommended that we put the town hall on hold for the moment since we are going to have a new Chief and Deputy Chief. The recommendation was to give the new administration time to get used to their new positions. Chairperson Covert stated that we should wait until after the transition happens to set up a meeting with Chief Lemerise to set a date for the event.

Public Event - K-9 Demonstration

Chief Haines stated that we are still on schedule for 9/9/2023 and that DC Lemerise has it on his schedule. He spoke with Officer Bradley and he will have at least 3 dogs there, possibly 4 dogs. One department has a bomb sniffing dog and a drug dog.

Follow up from Removal of Crime Commission Members

Chairperson Covert stated that Colleen Monaghan sent a letter and resigned from the Commission. It was accepted by Council.

Follow up on voting Alexandra Iaquinto in as a Full Member

The Commission all voted at the last meeting to recommend bringing Alexandra on as a full voting member. This will need to go in front of City Council for their vote. Chief Haines stated

that he will follow up to make sure that it is added to the next agenda and presented at the next City Council meeting.

NEW BUSINESS

Discussion on Ordinance No. 2194, Interference with the Police Department.

Chief Haines stated that City Council requested that this issue be reviewed by the Crime Commission and HREC. On Article I IN GENERAL. This is a copy of the ordinance today as it is listed on Municode. He reviewed the ordinance and stated the yellow highlighted area was the only thing that was changed within the ordinance. What was requested to be added by the City Attorney was the four words, “including providing false information”. It does not change the ordinance in its form, only to define something else that we are looking at that a jury had an issue with.

Chief Haines explained that when officers arrive at the scene and found that a pedestrian and a vehicle were involved in the accident. The person who struck the pedestrian and a second vehicle with a witness both pulled over after the accident. The driver who was responsible for the accident lied to the officers and said that it wasn't me and it was the other vehicle that struck the person. After speaking with the driver, the officers had asked where their vehicle was, and it was still parked at the scene. There was evidence on the vehicle that showed that the driver was the one who struck the person. The officers issued the driver a violation for interfering with police and a fail to yield. The citation for interference was challenged at a jury trial and the jury came back with a not guilty verdict for the interference violation. The reasoning behind the not guilty verdict was they didn't know that providing false information to the police was interfering or obstruction.

Commissioner Roberts stated that adding these four words is ridiculous. I don't have an issue with adding them but where does it stop. It clearly says here that interfering with or hindering or discharging them of duty so someone not accepting accountability wants to get somebody else in trouble, what is the issue with the jury? I mean that is ridiculous if you ask me, no accountability, let's get somebody else in trouble. So, we have to go further to appease them and say let's include providing false information.

Chief Haines said that when the City Attorney first came to him on this, he questioned it and said juries are a different animal. Juries come up with all kinds of different things and reasonings. He said that this is a consistent problem. The last thing that we want to do is keep coming back to Council saying we need to tweak this and that. This is one that the City Attorney felt needed to happen. We are trying to get a definitional approach because we are losing cases. When we lose cases, it has a negative impact on morale people aren't being held accountable for their actions.

Commissioner Roberts asked isn't providing false information to a police officer, interfering with them? Chief Haines responded yes, 100 %. Commissioner Scott said that everyone knows that it is against the law to lie to a police officer. Commissioner Marentette said, its common sense. Alternate Commissioner Iaquinto stated if we are going to nitpick, the law always mentions the police officer being a male. So, are we going to nitpick and say that this doesn't apply to female officers? I feel like you just keep going more and more specific.

Alternate Representative Councilor Wright asked to add some feed back and said that it is okay if it says both male and female. This is part of the reason that it is going to go to the HREC. He shared his experience of having guns pulled on him by law enforcement and the officers could have told him that he did anything, and he would have said yes and the officers could have come back and said that he falsified information. I could have gone to jail for that, and I don't want that for any person who is having a traumatic response because they are scared. Some of you know that I had the privilege of being pulled over and pulled out of my car at gun point. In that moment, none of this matters, the truth doesn't matter or lies, trauma is happening to you and you can not process what is going on. For me, it is important for it to say things like male and female officers because not in this police department but other places, female officers do have a harder time. People of color, poor people, do have a harder time. This always takes me back to my college class and the question always was is it the letter of the law or the spirit of the law?

Commissioner Roberts, asked Councilor Wright because of your experience, should we take this ordinance out because these things can happen and just strike the ordinance completely? Councilor Wright stated that the Chief made some valid points to why we might want it to avoid this from going to a higher level, it stays at a local level, and it will be good for what it could do. Those were the two points that the City Council wanted to better understand.

Chief Haines stated he wanted to add in for clarity purposes that providing false information to a police officer is when you're a witness, a victim or a suspect in a crime and you intentionally give false information. There are different levels of providing false information that are addressed by separate ordinances. This one is the spot on that you are providing false information to either steer us in a different direction or blame someone else for the crime.

Commissioner Marentette stated that the Chief had mentioned that there were several misunderstandings of this ordinance where juries acquitted someone, was that just in our city? Chief Haines responded that this is what City Attorney Tim Burns told him, because of what he has seen with our city and/or with Bloomfield or West Bloomfield. Most cities use similar ordinances for the most part. Commissioner Marentette said if this was a statewide issue, maybe the State should address it.

Councilor Fleming asked if Larry or Jeff Sherman said that they have had similar situations or was it just based on Tim Burns experience? The Chief responded as far as he knows, it is based on Tim's experience.

Councilor Fleming asked what would happen if we removed the part of the ordinance that said no person shall resist any police officer? Chief Haines responded that we would be forced to charge under State law which would be a felony, not a misdemeanor. The Chief stated that there is what we call prosecutorial discretion. Prosecutorial discretion is a problem at times in Oakland County as well as all of the other counties where they come up with policies amongst themselves about when they are going to authorize warrants for certain things. Sometimes they have policies in place that require more than what the law actually states.

Motion to support the ordinance wording change as follows:

"No person shall resist any police officer, any member of the police department, or any person duly empowered with police authority while in the discharge or apparent discharge of their duty, including providing false information or in any way interfering with, obstructing or hindering the officer in the discharge of their duty".

Motion made by Scott, Seconded by Marentette.

Voting Yea: Covert, Roberts, Alternate Iaquinto, Council Representative Fleming

Trail Tunes Event at Civic Center Park

Councilor Fleming requested that discussion on a special spot where attendees can make phone calls to get a safe ride home. Chief Haines stated that he will look into getting additional information and Chairperson Covert suggested that someone contact MADD (Mother's Against Drunk Driving) for resources.

ADJOURNMENT

Motion to adjourn made by Marentette, Seconded by Covert.

Voting Yea: Roberts, Scott, Alternate Iaquinto, Council Representative Fleming

Meeting adjourned at 3:17 p.m.