Legislation Details (With Text)

File #:	21-0642	**Version:**	1	**Name:**	4/5 Ordinance Review Resolution
Type:	Resolution			**Status:**	Passed
File created:	4/5/2021			**In control:**	City Council
On agenda:	4/5/2021			**Final action:**	4/5/2021
Enactment date:	4/5/2021			**Enactment #:**	R-21-131
Title:	Resolution Directing the City Attorney to Review City Ordinances Relating to Police Enforcement				
Sponsors:	Christopher Taylor, Linh Song, Julie Grand, Travis Radina, Jeff Hayner, Ali Ramlawi, Lisa Disch				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
4/5/2021	1	City Council	Approved	Pass

Resolution Directing the City Attorney to Review City Ordinances Relating to Police Enforcement
This resolution directs the City Attorney to review the current City Ordinances that are enforced by the Ann Arbor Police Department, excluding those adopted under the Michigan Motor Vehicle Code. As part of the review process, the City Attorney will identify sections where the City Code conflicts with state law, instances of inconsistencies within the City Code itself, or to provide amendment language that reflects best practices in progressive criminal justice reform.

Staff

Prepared by: Arianne Slay, Senior Assistant City Attorney
Sponsored by: Mayor Taylor and Councilmembers Song, Grand, Radina and Hayner
Whereas, By Executive Order 2019-10, Governor Gretchen Whitmer commissioned the Michigan Joint Task Force on Jail and Pretrial Incarceration to develop recommendations to: expand jail alternatives for those who can remain in the community; safely reduce jail admissions (pre-trial and otherwise), length of stay, and associated social costs; support consistent, objective, and evidence-based pretrial decision-making, provide services and support to crime victims; improve the efficiency and effectiveness of the state's and counties' justice and public safety systems; and better align criminal justice practices with social science research and constitutional mandates;

Whereas, As a result of the collective efforts and findings of the Task Force, on Jan 4, 2021, Governor Gretchen Whitmer signed into law numerous criminal amendments to the Michigan Compiled Laws, which amendments encourage alternatives to arrest and jail detention, eliminate certain mandatory minimums, reclassify low-level misdemeanors as civil infractions, remove unnecessary driver's license suspensions, and revise parole and probation policies to better accomplish the goals of supervision (collectively, "2021 State Criminal Justice Reform Legislation"), which amendments were vetted by lawmakers and refined by criminal and civil rights attorneys, judges, sheriff's, crime victims, reform advocates and members of the public;

Whereas, Throughout America, the norms and practices of the criminal justice system have been developed and directed by government leaders, in substantial part, to disadvantage and dominate the members of BIPOC communities and other disempowered persons;

Whereas, It is in the interest of the City of Ann Arbor to provide equity in service and enforcement and for its ordinances to support this underlying goal of the criminal justice reform;

Whereas, The City of Ann Arbor requires its ordinances to promote consistency with state law and to adhere to all constitutional mandates afforded under the law;

Whereas, The City of Ann Arbor is devoted to diversion and expungement programming consistent with 2021 State Criminal Justice Reform Legislation; and

Whereas, The City of Ann Arbor seeks to maintain a code of ordinances that reflects its desire to support rehabilitation for offenders, care and respect for victims of crime, and to promote non-ephemeral community healing and public safety for all its residents and visitors;

RESOLVED, That the City Attorney is directed to (i) review of the criminal ordinances that may be enforced by the Ann Arbor Police Department, excluding those governed by the Michigan Motor Vehicle Code (ii) provide for consideration to the City Council, amendments to Ann Arbor ordinances that are inconsistent with the 2021 State Criminal Justice Reform Legislation, other aspects of state law, the code of ordinances itself, or are otherwise not in the spirit of progressive criminal justice reform, including without limitation the objectives described in Executive Order 2019-10; and

RESOLVED, That the City Attorney shall be ready to present the above requested amendments at a work session of Ann Arbor City Council prior to November 15, 2021 in anticipation of finalization of amendments for City Council consideration by December 31, 2021.

Sponsored by: Mayor Taylor and Councilmembers Song, Grand, Radina, Hayner, Ramlawi and Disch

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