



**CITY OF YPSILANTI
POLICE ADVISORY COMMISSION MEETING
Thursday, October 24, 2019 @ 7:00 PM
Council Chambers
One South Huron, Ypsilanti, MI 48197**

Page

I. CALL TO ORDER

II. ROLL CALL

COMMISSIONERS:

Andy Fanta
Heather Berkovitz
Kathleen McCormick
Herman Humes
Gail Wolkoff

STAFF LIASION:

Police Chief Tony DeGuisti

III. AGENDA APPROVAL

IV. APPROVAL OF MINUTES

3 - 4

- A. September 26, 2019
[POLICE ADVISORY COMMISSION - 26 Sep 2019 - Minutes \(2\)](#)

V. PUBLIC COMMENT (3 MINUTES)

VI. RESOLUTIONS/MOTIONS/DISCUSSIONS

5 - 10

- A. Monthly statistical report - Chief DeGiusti
- B. Amendments to Ordinance 1295 - Division 6 Police Advisory Commission
[Adopted Ordinance 1295 Police Advisory Commission - Edits](#)
- C. Schedule Potential Town Hall Meeting Dates.
- D. County Prosecutor Candidates dates

VII. OLD BUSINESS

VIII. PUBLIC COMMENT (3 MINUTES)

IX. NEXT MEETING DATE

November 28, 2019

X. ADJOURNMENT



MINUTES POLICE ADVISORY COMMISSION Meeting

7:00 PM - Thursday, September 26, 2019
Council Chambers

The POLICE ADVISORY COMMISSION of the City of Ypsilanti was called to order on Thursday, September 26, 2019, at 7:00 PM, in the Council Chambers, with the following members present:

PRESENT:

ABSENT:

I CALL TO ORDER

The meeting was called to order at 7:05 p.m.

II ROLL CALL

COMMISSIONERS:

| | |
|--------------------|---------|
| Andy Fanta | Present |
| Heather Freeling | Present |
| Kathleen McCormick | Present |
| Herman Humes | Present |
| Gail Wolkoff | Absent |

STAFF LIASION:

Police Chief Tony DeGuisti

III AGENDA APPROVAL

The agenda was approved as submitted

IV APPROVAL OF MINUTES

a) Approval of the August 22, 2019 Meeting Minutes

Commissioner McCormick moved, seconded by Commissioner Freeling to approve the minutes.

Approved: Yes - 4; No - 0; Absent - 1 (Wolkoff)

V PUBLIC COMMENT (3 MINUTES)

VI RESOLUTIONS/MOTIONS/DISCUSSIONS

a) Monthly Ypsilanti Police Department Statistical Report - Chief DeGuisti

Chief DeGuisti provided the monthly statistical report.

Commissioner Freeling asked if the Chief could comment on the recent shootings that have taken in place in the city. Chief DeGuisti responded there

were press releases for both incidents, but he is a little guarded on information that can be released about on ongoing investigation.

Commissioner Fanta stated he is glad the probationary officer will be certified.

Commissioner Humes asked if there was more funding for additional officers. Chief DeGiusti replied the department is budgeted for thirty officers.

b) Examining potential recommendation for ordinance amendments

Commissioner Fanta introduced his proposed changes to Ordinance 1295 based on Ann Arbor's Ordinance. Commissioner Humes asked if the suggested language regarding diversity in the commission's composition would be required. Mr. Fanta responded it would act as a guide for Council appointments.

Commissioner McCormick stated there have been a lack of applications for the commission, and asked how the openings can be made more public. Commissioner Fanta suggested the Commission pass a resolution requesting Council advertise the vacancy.

VII OLD BUSINESS

VIII PUBLIC COMMENT (3 MINUTES)

1. David Freund - stated as a citizen he has concerns about the recent shootings. He knows there is an investigation, but wants to know if the city is safe.
2. Steven Taylor - stated the recent shootings are between certain groups and the wider community is safe. He asked about the shooting at the party store on Michigan Ave.

Chief DeGiusti responded the shooter at the party store has apprehended shortly after the incident.

IX NEXT MEETING DATE

October 24, 2019

X ADJOURNMENT

The meeting adjourned at 7:48 p.m.



**CITY OF YPSILANTI
NOTICE OF ADOPTED
ORDINANCE
Ordinance No. 1295**

An ordinance to establish the Ypsilanti Police Advisory Commission

1. THE CITY OF YPSILANTI HEREBY ORDAINS that Chapter 2, Article IV of the Ypsilanti City Code of Ordinances is hereby amended to add a new Division 6, as follows:

DIVISION 6. POLICE ADVISORY COMMISSION
Section 2.200. Created.

Pursuant to Ypsilanti City Charter section 9.03, there is hereby created a commission known as the "Ypsilanti Police Advisory Commission."

Section 2.201. Purpose.

The purpose of the Ypsilanti Police Advisory Commission is:

- a. To strengthen the relationship between the community of the City of Ypsilanti and the Ypsilanti Police Department.
- b. To serve as a liaison to enhance community and police relations and serve as an advocate for programs, ideas, and methods to improve the relations between the police and the community
- c. To Review police complaint investigatory findings, and report to council on the Commission's analysis of these findings
- d. To collect, review, and audit summary data and compile aggregate statistics relating to individual or community police complaints and other issues of importance
- e. To educate the public about complaint process, and ensure and recommend ways to make the process accessible to all
- f. To make recommendations to the City Manager with regard to organizational matters and procedures.
- g. To participate in annual review of the Ypsilanti Police Department's Citizen Police Academy.
- h. To consult and advise the City Manager on the Ypsilanti Police Department's strategic plan.

Section 2.202. Appointment and Terms.

The Ypsilanti Police Advisory Commission shall consist of 7 members and a non-voting youth member. All members to the Ypsilanti Police Advisory Commission shall be appointed by the Mayor, with the approval and confirmation of a majority of City Council. There shall be at least one member from each Ward.

The term of members of the Ypsilanti Police Advisory Commission shall be three years, except that of the members first appointed. Terms shall be staggered as far as practicable. Members shall be appointed for a maximum of two full terms.

~~— Diversity in Membership – The Ypsilanti City Council shall endeavor to ensure that (a) the Commission is representative, as much as possible, to the diversity of Ypsilanti’s population, including income level, race, ethnicity, age, gender, sexual orientation, and experience; (b) segments of the community that are vulnerable and have been marginalized, and that tend to have significant interactions with the police, are represented (c) commissioners have a verity of skills, expertise, and life experiences bearing on the work of the commission.~~

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Section 2.203. Duties.

The duties of the Ypsilanti Police Advisory Commission shall be to:

- a. Establish and update rules by-laws for the transaction of its business, subject to the approval of the City Council. Such rules and by-laws shall be in a manner not inconsistent with this Article, other City ordinances, the City Charter, or laws of the state and federal government.
- b. Elect officers, including a chair.
- c. Establish and maintain a meeting schedule and meet at least quarterly.
- d. Take all necessary action to fulfill the purpose for the Ypsilanti Police Advisory Commission as stated in this Division.
- e. To file a written report of its activities, findings, and recommendations, if any, to City Council at least annually.

Section 2.204. Procedure.

Procedure for the operation of the Ypsilanti Police Advisory Commission shall be as follows:

- a. A majority of the Ypsilanti Police Advisory Commission members appointed shall constitute a quorum.
- b. No meeting of the Ypsilanti Police Advisory Commission shall commence or continue in the absence of a quorum.
- c. A majority vote of those forming a quorum shall be required for any action by the Ypsilanti Police Advisory Commission, except where otherwise specified in this Article, other City ordinances, or the City Charter.
- d. Regular meetings of Ypsilanti Police Advisory Commission shall be held no less than quarterly. Any scheduled meeting may be rescheduled at the

- preceding regular meeting.
- e. The records of the Ypsilanti Police Advisory Commission shall be subject to the Freedom of Information Act, Act No. 442 of the Public Acts of Michigan of 1976 (MCL 15.231 et seq.), as amended.
 - f. All meetings of the Ypsilanti Police Advisory Commission shall be subject to the Open Meetings Act, Act No. 267 of the Public Acts of Michigan of 1967 (MCL 15.261 et seq.), as amended.
 - g. The Ypsilanti Police Advisory Commission shall provide an opportunity for public comment as to the business being conducted by the Ypsilanti Police Advisory Commission, pursuant to its established rules and by-laws.

Section 2.205 – Incident Review

- a. The Commission shall have the authority to review and examine the sections of the Department with respect to individual incidents after the Department has acted. The review extends to both the conduct of the police officers involved in the incident and to those police officers who examine the incident for disciplinary or other purposes. The Commission's review and examination shall not precede or be concurrent with Department actions except by resolution of the Commission, but shall occur after the department and city have complete all proceedings, generally.
- b. The Commission holds the authority to question any additional parties that may have information regarding the complaint.
- c. Filing a Complaint
 - a. Any individual, whether or not involved in the incident in question and without respect to citizenship or residence, may file a complaint with the commission of the department. The commission shall not inquire about any complaint's immigration status or gender identity.
- d. Contents of Report – The commission's final report with respect to an incident shall state its conclusions, including (a) whether under the facts and circumstances there was any inappropriate conduct by the police; (b) what the response of the department and, if appropriate, of the city, should be or should have been; and (c) any changes in policies or procedures that ought to be made as a result of the incident; (d) reports will avoid the use of identifying the use of police officers names.

Section 2.06 – Reports by Chief

- a. Upon closure of its internal investigation of a complaint referred by the Commission by the Commission, the Police Chief will report to the Commission stating the Police Chief's Determinatino as to:
 - i. The facts of the incident;
 - ii. Whether there was any inappropriate conduct by the police;
 - iii. Any discipline that has been or will be imposed;
 - iv. Any changes in department polices or procedures that ought

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to be made as a result of the incident

b. The Police Chief shall make the report within 30 days of the complaint disposition, providing that if the ongoing disciplinary or criminal proceedings or investigations preclude the Police Chief from making the report in that time, then the Police Chief shall make the report within 14 days after the conclusion of those proceedings generally. Extensions may be granted, but only for a reasonable time.

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Sections 2.2075 – 2.225 - Reserved.

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2 Severability. If any clause, sentence, section, paragraph, or part of this ordinance, or the application thereof to any person, firm, corporation, legal entity, or circumstances, shall be for any reason adjudged by a court of competent jurisdiction to be unconstitutional or invalid, such judgment shall not effect, impair, or invalidate the remainder of this Ordinance and the application of such provision to other persons, firms, corporations, legal entities, or circumstances by such judgment shall be confined in its operation to the clause, sentence, section, paragraph, or part of this Ordinance thereof directly involved in the case or controversy in which such judgment shall have been rendered and to the person, firm, corporation, legal entity, or circumstances then and there involved. It is hereby declared to be the legislative intent of this body that the Ordinance would have been adopted had such invalid or unconstitutional provisions not have been included in this Ordinance.

3 Repeal. All other Ordinances inconsistent with the provisions of this Ordinance are, to the extent of such inconsistencies, hereby repealed.

4 Savings Clause. The balance of the Code of Ordinances, City of Ypsilanti, Michigan, except as herein or previously amended, shall remain in full force and effect. The repeal provided herein shall not abrogate or affect any offense or act committed or done, or any penalty or forfeiture incurred, or any pending fee, assessments, litigation, or prosecution of any right established, occurring prior to the effective date hereof.

5 Copies to be available. Copies of the Ordinance are available at the office of the city clerk for inspection by, and distribution to, the public during normal office hours.

6 Publication and Effective Date. The City Clerk shall cause this Ordinance, or a summary of this Ordinance, to be published according to Section 11.13 of the City Charter. This Ordinance shall become effective after publication at the expiration of 30 days after adoption.

MADE, PASSED AND ADOPTED BY THE YPSILANTI CITY COUNCIL THIS 14th DAY OF November, 2017.

Frances McMullan, City Clerk

Attest

I do hereby confirm that the above Ordinance No. 1295 was published according to Section 11.13 of the City Charter on the 28th day of September, 2017.

Frances McMullan, City Clerk

CERTIFICATE OF ADOPTING

I hereby certify that the foregoing is a true copy of the Ordinance passed at the regular meeting of the City Council held on the 14th day of November, 2017.

Frances McMullan, City Clerk

Notice Published: September 28, 2017

First Reading: October 17, 2017

Second Reading: November 14, 2017

Published: November 20, 2017

Effective Date: December 14, 2017