

AGENDA

Committee on Public Safety AGENDA FOR MARCH 17, 2022 AT 4:00 PM



Lansing City Hall, City Council Conference Room
124 W. Michigan Avenue, 10th Floor

To provide input or ask questions on any item that is listed on the agenda,
members of the public may contact the City Council at city.council@lansingmi.gov or (517) 483-4177 prior to the meeting.

Council Member Wood, Chairperson
Council Member Daniels, Vice Chairperson
Council Member Brown, Member

1. **Call to Order**
2. **Roll Call**
3. **Minutes**
 - A. March 3, 2022
4. **Public Comment on Agenda Items (Up to 3 Minutes)**
5. **Discussion/Action:**
 - B. DISCUSSION - Bond Process; Judge Buchanan, Judge Ward & Anethia Brewer
 - C. UPDATE - LPD; Alleged Casinos raided
 - D. DISCUSSION - 318 Cesar Chavez Avenue; Code Compliance
 - E. RESOLUTION - Setting a Show Cause Hearing in consideration of Orders to Make Safe or Demolish to the owners of property located at 3601 Deerfield Avenue
6. **Other**
7. **Adjourn**

Persons with disabilities who need an accommodation to fully participate in these meetings should contact the City Council Office at 517-483-4177 (TTY 711) 24 hour notice may be needed for certain accommodations. An attempt will be made to grant all reasonable accommodation requests.



MINUTES
Committee on Public Safety
Thursday, March 3, 2022 @ 4:00 p.m.
City Council Conference Room, 10th Floor City Hall

CALL TO ORDER

Council Member Wood called the meeting to order at 4:00 pm

PRESENT

Council Member Carol Wood, Chair
Council Member Brian Daniels, Vice Chair
Council Member Jeffrey Brown, Member

OTHERS PRESENT

Renee Richmond, Council Staff
Lisa Hagen, OCA
Mary Bowen, OCA
Jim Smiertka, OCA – arrived @ 4:01
Scott Sanford, Code Enforcement
David Muylle, Demolition Board
Meredith Johnson, Code Compliance Officer
Jace Harper, WILX TV-10
Sarah Al-Shaikh, WLNS TV-6
Maria Koutsoukos, resident

MINUTES

MOTION BY COUNCIL MEMBER DANIELS TO APPROVE THE MINUTES FEBRUARY 17, 2022, AS PRESENTED. MOTION CARRIED 3-0.

PUBLIC COMMENT

No public comment at this time.

DISCUSSION/ACTION ITEMS

Councilmember Wood moved the order of the items around to D first, then item C and B the last item.

ORDINANCE – Amend Chapter 696, Section 696.07 to provide requirements for owners of firearms to report the theft thereof and provide penalties for failure to make a report

Councilmember Wood informed the Committee the public hearing is set for 3/14/2022, a discussion with Chief Sosebee, Mayor Schor, and leadership they feel the passage of this ordinance is important. She continued if Committee approves to go to Council, the passage will be contingent on the hearing and if any issues arise, it will come back to Committee. Councilmember Wood added this is already a state statute, and it would assist LPD in the job. Mr. Smiertka stated that state law requires a person, once they know of the stolen firearm, they must notify the authorities within five days, what will this Ordinance require, and added will it be business days because if someone reports it on a Sunday what happens. Councilmember Wood added this needs to be fine-

tuned by the 14th, so we have everything ready and in place. Ms. Hagen stated she would reach out to LPD and get that rolling.

MOTION BY COUNCILMEMBER DANIELS TO APPROVE THE RESOLUTION TO AMEND CHAPTER 696, SECTION 696.07 TO PROVIDE REQUIREMENTS FOR OWNERS OF FIREARMS TO REPORT THE THEFT THEREOF AND PROVIDE PENALTIES FOR FAILURE TO MAKE A REPORT CONTINGENT ON THE PUBLIC HEARING SET ON 3/14/2022. MOTION CARRIED 3-0.

RESOLUTION – Orders to Make Safe or Demolish to the owners of property located at 2131 Pleasant View
Councilmember Wood asked Mr. Sanford if there was any change since the public hearing. Mr. Sanford said no contact or work has been done, there is no activity at the property, and taxes have not been paid since 2017. He continued his department recommends MSD 60 days.

MOTION BY COUNCILMEMBER DANIELS TO APPROVE THE RESOLUTION TO MAKE SAFE OR DEMOLISH TO THE OWNERS OF PROPERTY LOCATED AT 2131 PLEASANT VIEW. MOTION CARRIED 3-0.

DISCUSSION – Demolition Board Process w/David Muylle & Joe Vitale

Councilmember Wood introduced Mr. Muylle and the purpose of having him come to the Committee was to better understand their process and timelines and what they go through. She added by the time it reaches Council, it's gone through the demo board and this Committee, we've discussed the top three requirements on if permits have been pulled and paid for, financial means have been established and shown, and a timeline has been created that works with code. Councilmember Wood said if all these have been done the property owner is required to stay in contact with Code and report back monthly or sooner to make sure they are following through. Councilmember Wood also stated Ms. Hagen was asked to provide information on the state law which she has brought. The memo speaks to if a dwelling is unoccupied/vacant for a period of 180 consecutive days or longer and is not listed for sale/rent it can be deemed MSD, and thanked Mr. Muylle for coming.

Mr. Muylle explained he's been on the demo board since 2003 and stated what comes to the demo board is regulated by code compliance. The reality most of the time once it gets to the demo board the owner is beyond assistance, they will not have the technical, emotional, or financial means to do what's need. They are volunteers and represent the city but it's important that citizens are treated fairly. He continued the control of the demo board is they listen and then give either 30/60 days to come up with a plan, contractors, and the financing ability, it is 50/50 if they show and actually do it. The board typically run 300-500 tagged houses, but how many actually get to Council is different, they cannot speak to the timing it takes to get to Council or Committee.

Councilmember Daniels asked Mr. Sanford how long it takes to get to demo through Code, Mr. Sanford explained there is a list that has to be completed along with a title search, things with the county and they have no control over time, they've had a case that has been going on for two years because it's in litigation. Mr. Sanford continued that Code sends everything certified mail, all records kept on file, pictures, etc. and try to be as clear as they can, the process can take awhile with notifications, getting the owners/landlords in, OCA gets involved, if necessary, there are many steps. He also added it depends on if it is a rental or owner occupied, rentals they have leverage, owner occupied they may need to get courts involved and/or the health department depending on the violation.

Mr. Smiertka added that if it is owner occupied, they have to request for a search warrant and demonstrate to the court that it is a health/safety welfare issue, the other is to file a nuisance with circuit court. Councilmember Daniels inquired about hoarding issues, Mr. Smiertka replied if the hoarding is affecting the wellbeing and health and reiterating the memo Ms. Hagen compiled with the state statute definition on what constitutes a dangerous building.

Councilmember Wood asked Mr. Sanford to explain what the NEAT team is, Mr. Sanford stated this was established in 2009 and is the Neighborhood Enhancement Action Team, which is a monitoring system for tagged more than 90 days. Councilmember Wood asked if the requirements aren't being met what's next, Mr. Sanford replied they do a walk around the property to make sure its secure, grass is cut if needed, and a premise inspector goes out, if no work is being done, they set up for MSD. If work has began it goes back to monitoring and if requirements are being met the tag is removed, and he added that it is a deterrent as they have to comply with current codes. Councilmember Wood reference the Overview of the MSD they just passed, and Mr. Sanford added if the building is deemed a hazard, they can take down immediately, they have building safety take it to the demo board.

Councilmember Brown asked how code determines what properties are tagged, are they random, monitored by inspections or people calling in. Mr. Sanford stated they have 8-10 calls a week come in, some are tagged for utilities, one could get tagged on a Monday and cleared Wednesday. He continued they have 10 code officers in 9 districts with one floater, adding NEAT team properties are monitored by premise inspectors (one in every ward), on the website is a list and map. Councilmember Brown asked as a new councilmember are they in real time, if code had more staff would there be more tagged. Councilmember Wood reminded committee that 52% is rental and those go through inspection and seen more frequently, unless there is a reason for owner occupied those aren't seen as much. Mr. Sanford responded they drive around and can see after high winds, and people call with complaints. He stated approximately 55,400+ unites and there are 578 tagged, Council only saw the worse, their office wrote 77,000 last year.

Councilmember Daniels asked Mr. Muylle if it goes to demo is the city paying for it, Mr. Smiertka replied it is put on the taxes, and Ms. Hagen added it is part of the state statue. Councilmember Wood also added as an example, you own a house, and the city takes it down, you still own the house, Mr. Sanford said there is a fee charged by demo. Councilmember Daniels asked what the fastest/best way is to share an issue, is it Lansing Connect or a phone call. Mr. Sanford replied it gets to his office either way.

Councilmember Wood asked Ms. Richmond to send the contact list and map to the Councilmembers both electronically and printed, she acknowledged. She asked Meredith Johnson to come to the table, Ms. Johnson introduced herself, stated she's been with the City since 2015 and was just there to listen to the meeting. Councilmember Brown asked Ms. Johnson what trend she sees and why they are tagged, Ms. Johnson replied all variety but more tenant issues. Councilmember Brown then asked Mr. Sanford if he had data to show percentage on utility tags, he replied no as the NEAT team had created so many colored tags, but now they are limited on what they can pull from BS&A.

Councilmember Wood asked Ms. Richmond to pull the MSD they just did up on the screen, Mr. Sanford and Ms. Johnson went through different tabs showing Councilmembers Brown and Daniels what it looks like. Mr. Sanford informed them that they could always call they might have information that is not on the site and can give background.

Councilmember Daniels lastly asked Mr. Muylle how soon they see a demo of a property, Mr. Muylle stated they are a small cog in the wheel and are a buffer, once it gets to them Code as done everything. Mr. Sanford stated code sets the agenda and presents to the board and if no activity has been seen it moves to Council for referral. Mr. Muylle thanked the Committee for the invitation for input.

OTHER

1413 Woodbine

Mr. Smiertka spoke about 1413 Woodbine, it was brought to the attention of LPD, LFD and City Attorney's office by the neighborhood in Colonial Village. Mr. Smiertka state it is the worse house in terms of descriptions of drug activity, it's being used as a flop house, people being passed out on the law. Mr. Smiertka added that in the last six months LPD has had 19 calls to the address for people being stoned, loud music, cars driving across lawns, and code enforcement has been there 16 times. He continued that he believes back in December there was an attempted murder, and that the property is owned by a woman and her son lives there (he may be in jail currently).

Mr. Smiertka informed the Committee that they are working the case to calm things down, a letter was sent to the owner yesterday requesting a walk through with LPD. If she refuses, they will ask for a search warrant to obtain access. Councilmember Wood asked since there is drug activity have they done a nuisance letter, Mr. Smiertka said that was the next step. He added that the owner keeps promising to come up with a plan and never follows through, stating that one minute she says she is going to sell and then next she isn't.

Councilmember Wood stated Judges Buchanan and Ward, along with the Court Administrator will be at the next Committee meeting to discuss the bond process.

ADJOURN

Adjourned at 4:58pm

submitted by Renee Richmond,

Administrative Assistant, Lansing City Council

Approved by the Committee on

DRAFT

Rule 6.106 Pretrial Release

(A) In General. At the defendant's arraignment on the complaint and/or warrant, unless an order in accordance with this rule was issued beforehand, the court must order that, pending trial, the defendant be

- (1) held in custody as provided in subrule (B);
- (2) released on personal recognizance or an unsecured appearance bond; or
- (3) released conditionally, with or without money bail (ten percent, cash or surety).

(B) Pretrial Release/Custody Order Under Const 1963, art 1, § 15.

(1) The court may deny pretrial release to

(a) a defendant charged with

(i) murder or treason, or

(ii) committing a violent felony and

[A] at the time of the commission of the violent felony, the defendant was on probation, parole, or released pending trial for another violent felony, or

[B] during the 15 years preceding the commission of the violent felony, the defendant had been convicted of 2 or more violent felonies under the laws of this state or substantially similar laws of the United States or another state arising out of separate incidents, if the court finds that proof of the defendant's guilt is evident or the presumption great;

(b) a defendant charged with criminal sexual conduct in the first degree, armed robbery, or kidnapping with the intent to extort money or other valuable thing thereby, if the court finds that proof of the defendant's guilt is evident or the presumption great, unless the court finds by clear and convincing evidence that the defendant is not likely to flee or present a danger to any other person.

(2) A "violent felony" within the meaning of subrule (B)(1) is a felony, an element of which involves a violent act or threat of a violent act against any other person.

(3) If the court determines as provided in subrule (B)(1) that the defendant may not be released, the court must order the defendant held in custody for a period not to exceed 90 days after the date of the order, excluding delays attributable to the defense, within which trial must begin or the court must immediately schedule a hearing and set the amount of bail.

(4) The court must state the reasons for an order of custody on the record and on a form approved by the State Court Administrator's Office entitled "Custody Order." The completed form must be placed in the court file.

(5) The court may, in its custody order, place conditions on the defendant, including but not limited to restricting or prohibiting defendant's contact with any other named person or persons, if the court determines the conditions are reasonably necessary to maintain the integrity of the judicial proceedings or are reasonably necessary for the protection of one or more named persons. If an order under this paragraph is in conflict with another court order, the most restrictive provisions of the orders shall take precedence until the conflict is resolved.

(6) Nothing in this rule limits the ability of a jail to impose restrictions on detainee contact as an appropriate means of furthering penological goals.

(C) Release on Personal Recognizance. If the defendant is not ordered held in custody pursuant to subrule (B), the court must order the pretrial release of the defendant on personal recognizance, or on an unsecured appearance bond, subject to the conditions that the defendant will appear as required, will not leave the state without permission of the court, and will not commit any crime while released, unless the court determines that such release will not reasonably ensure the appearance of the defendant as required, or that such release will present a danger to the public.

(D) Conditional Release. If the court determines that the release described in subrule (C) will not reasonably ensure the appearance of the defendant as required, or will not reasonably ensure the safety of the public, the court may order the

pretrial release of the defendant on the condition or combination of conditions that the court determines are appropriate including

(1) that the defendant will appear as required, will not leave the state without permission of the court, and will not commit any crime while released, and

(2) subject to any condition or conditions the court determines are reasonably necessary to ensure the appearance of the defendant as required and the safety of the public, which may include requiring the defendant to

(a) make reports to a court agency as are specified by the court or the agency;

(b) not use alcohol or illicitly use any controlled substance;

(c) participate in a substance abuse testing or monitoring program;

(d) participate in a specified treatment program for any physical or mental condition, including substance abuse;

(e) comply with restrictions on personal associations, place of residence, place of employment, or travel;

(f) surrender driver's license or passport;

(g) comply with a specified curfew;

(h) continue to seek employment;

(i) continue or begin an educational program;

(j) remain in the custody of a responsible member of the community who agrees to monitor the defendant and report any violation of any release condition to the court;

(k) not possess a firearm or other dangerous weapon;

(l) not enter specified premises or areas and not assault, beat, molest or wound a named person or persons;

(m) comply with any condition limiting or prohibiting contact with any other named person or persons. If an order under this paragraph limiting or prohibiting contact with any other named person or persons is in conflict with another court order, the most restrictive provision of the orders shall take precedence until the conflict is resolved. The court may make this condition effective immediately on entry of a pretrial release order and while defendant remains in custody if the court determines it is reasonably necessary to maintain the integrity of the judicial proceeding or it is reasonably necessary for the protection of one or more named persons.

(n) satisfy any injunctive order made a condition of release; or

(o) comply with any other condition, including the requirement of money bail as described in subrule (E), reasonably necessary to ensure the defendant's appearance as required and the safety of the public.

(E) Money Bail. If the court determines for reasons it states on the record that the defendant's appearance or the protection of the public cannot otherwise be assured, money bail, with or without conditions described in subrule (D), may be required.

(1) The court may require the defendant to

(a) post, at the defendant's option,

(i) a surety bond that is executed by a surety approved by the court in an amount equal to 1/4 of the full bail amount, or

(ii) bail that is executed by the defendant, or by another who is not a surety approved by the court, and secured by

[A] a cash deposit, or its equivalent, for the full bail amount, or

[B] a cash deposit of 10 percent of the full bail amount, or, with the court's consent,

[C] designated real property; or

(b) post, at the defendant's option,

(i) a surety bond that is executed by a surety approved by the court in an amount equal to the full bail amount, or

(ii) bail that is executed by the defendant, or by another who is not a surety approved by the court, and secured by

[A] a cash deposit, or its equivalent, for the full bail amount, or, with the court's consent,

[B] designated real property.

(2) The court may require satisfactory proof of value and interest in property if the court consents to the posting of a bond secured by designated real property.

(F) Decision; Statement of Reasons.

(1) In deciding which release to use and what terms and conditions to impose, the court is to consider relevant information, including

(a) defendant's prior criminal record, including juvenile offenses;

(b) defendant's record of appearance or nonappearance at court proceedings or flight to avoid prosecution;

(c) defendant's history of substance abuse or addiction;

(d) defendant's mental condition, including character and reputation for dangerousness;

(e) the seriousness of the offense charged, the presence or absence of threats, and the probability of conviction and likely sentence;

(f) defendant's employment status and history and financial history insofar as these factors relate to the ability to post money bail;

(g) the availability of responsible members of the community who would vouch for or monitor the defendant;

(h) facts indicating the defendant's ties to the community, including family ties and relationships, and length of residence, and

(i) any other facts bearing on the risk of nonappearance or danger to the public.

(2) If the court orders the defendant held in custody pursuant to subrule (B) or released on conditions in subrule (D) that include money bail, the court must state the reasons for its decision on the record. The court need not make a finding on each of the enumerated factors.

(3) Nothing in subrules (C) through (F) may be construed to sanction pretrial detention nor to sanction the determination of pretrial release on the basis of race, religion, gender, economic status, or other impermissible criteria.

(G) Custody Hearing.

(1) Entitlement to Hearing. A court having jurisdiction of a defendant may conduct a custody hearing if the defendant is being held in custody pursuant to subrule (B) and a custody hearing is requested by either the defendant or the prosecutor. The purpose of the hearing is to permit the parties to litigate all of the issues relevant to challenging or supporting a custody decision pursuant to subrule (B).

(2) Hearing Procedure.

(a) At the custody hearing, the defendant is entitled to be present and to be represented by a lawyer, and the defendant and the prosecutor are entitled to present witnesses and evidence, to proffer information, and to cross-examine each other's witnesses.

(b) The rules of evidence, except those pertaining to privilege, are not applicable. Unless the court makes the findings required to enter an order under subrule (B)(1), the defendant must be ordered released under subrule (C) or (D). A verbatim record of the hearing must be made.

(H) Appeals; Modification of Release Decision.

(1) Appeals. A party seeking review of a release decision may file a motion in the court having appellate jurisdiction over the court that made the release decision. There is no fee for filing the motion. The reviewing court may not stay, vacate, modify, or reverse the release decision except on finding an abuse of discretion.

(2) Modification of Release Decision.

(a) Prior to Arraignment on the Information. Prior to the defendant's arraignment on the information, any court before which proceedings against the defendant are pending may, on the motion of a party or its own initiative and on finding that there is a substantial reason for doing so, modify a prior release decision or reopen a prior custody hearing.

(b) Arraignment on Information and Afterwards. At the defendant's arraignment on the information and afterwards, the court having jurisdiction of the defendant may, on the motion of a party or its own initiative, make a de novo determination and modify a prior release decision or reopen a prior custody hearing.

(c) Burden of Going Forward. The party seeking modification of a release decision has the burden of going forward.

(3) Emergency Release. If a defendant being held in pretrial custody under this rule is ordered released from custody as a result of a court order or law requiring the release of prisoners to relieve jail conditions, the court ordering the defendant's release may, if appropriate, impose conditions of release in accordance with this rule to ensure the appearance of the defendant as required and to protect the public. If such conditions of release are imposed, the court must inform the defendant of the conditions on the record or by furnishing to the defendant or the defendant's lawyer a copy of the release order setting forth the conditions.

(I) Termination of Release Order.

(1) If the conditions of the release order are met and the defendant is discharged from all obligations in the case, the court must vacate the release order, discharge anyone who has posted bail or bond, and return the cash (or its equivalent) posted in the full amount of the bail, or, if there has been a deposit of 10 percent of the full bail amount, return 90 percent of the deposited money and retain 10 percent.

(2) If the defendant has failed to comply with the conditions of release, the court may issue a warrant for the arrest of the defendant and enter an order revoking the release order and declaring the bail money deposited or the surety bond, if any, forfeited.

(a) The court must mail notice of any revocation order immediately to the defendant at the defendant's last known address and, if forfeiture of bail or bond has been ordered, to anyone who posted bail or bond.

(b) If the defendant does not appear and surrender to the court within 28 days after the revocation date, the court may continue the revocation order and enter judgment for the state or local unit of government against the defendant and anyone who posted bail or bond for an amount not to exceed the full amount of the bail, and costs of the court proceedings, or if a surety bond was posted, an amount not to exceed the full amount of the surety bond. If the amount of a forfeited surety bond is less than the full amount of the bail, the defendant shall continue to be liable to the court for the difference, unless otherwise ordered by the court. If the defendant does not within that period satisfy the court that there was compliance with the conditions of release other than appearance or that compliance was impossible through no fault of the defendant, the court may continue the revocation order and enter judgment for the state or local unit of government against the defendant alone for an amount not to exceed the full amount of the bond, and costs of the court proceedings.

(c) The 10 percent bail deposit made under subrule (E)(1)(a)(ii)[B] must be applied to the costs and, if any remains, to the balance of the judgment. The amount applied to the judgment must be transferred to the county treasury for a circuit court case, to the treasuries of the governments contributing to the district control unit for a district court case, or to the treasury of the appropriate municipal government for a municipal court case. The balance of the judgment may be enforced and collected as a judgment entered in a civil case.

(3) If money was deposited on a bail or bond executed by the defendant, the money must be first applied to the amount of any fine, costs, or statutory assessments imposed and any balance returned, subject to subrule (I)(1).

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)
Act 175 of 1927

765.6 Accused persons entitled to bail; amount of bail; considerations and findings; surety bond; surrender by defendant of operator's or chauffeur's license as security; receipt; expiration date; extension; written notice; return of license.

Sec. 6. (1) Except as otherwise provided by law, a person accused of a criminal offense is entitled to bail. The amount of bail shall not be excessive. The court in fixing the amount of the bail shall consider and make findings on the record as to each of the following:

- (a) The seriousness of the offense charged.
- (b) The protection of the public.
- (c) The previous criminal record and the dangerousness of the person accused.
- (d) The probability or improbability of the person accused appearing at the trial of the cause.

(2) If the court fixes a bail amount under subsection (1) and allows for the posting of a 10% deposit bond, the person accused may post bail by a surety bond in an amount equal to 1/4 of the full bail amount fixed under subsection (1) and executed by a surety approved by the court.

(3) If a person is arrested for an ordinance violation or a misdemeanor and if the defendant's operator's or chauffeur's license is not expired, suspended, revoked, or cancelled, the court may require the defendant, in place of other security for the defendant's appearance in court for trial or sentencing or, as a condition for release of the defendant on personal recognizance, to surrender to the court his or her operator's or chauffeur's license. The court shall issue to the defendant a receipt for the license, as provided in section 311a of the Michigan vehicle code, 1949 PA 300, MCL 257.311a. If the trial date is set at the arraignment, the court shall specify on the receipt the date on which the defendant is required to appear for trial. If a trial date is not set at the arraignment, the court shall specify on the receipt a date on which the receipt expires. By written notice the court may extend the expiration date of the receipt, as needed, to secure the defendant's appearance for trial and sentencing. The written notice shall instruct the person to whom the receipt was issued to attach the notice to the receipt. Upon its attachment to the receipt, the written notice shall be considered a part of the receipt for purposes of determining the expiration date. At the conclusion of the trial or imposition of sentence, as applicable, the court shall return the license to the defendant unless other disposition of the license is authorized by law.

History: 1927, Act 175, Eff. Sept. 5, 1927;—CL 1929, 17168;—CL 1948, 765.6;—Am. 1969, Act 222, Imd. Eff. Aug. 6, 1969;—Am. 1983, Act 56, Eff. Mar. 29, 1984;—Am. 1988, Act 46, Eff. June 1, 1988;—Am. 2004, Act 167, Imd. Eff. June 24, 2004.

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)

Act 175 of 1927

764.1a Complaint; allegations; swearing before magistrate or clerk; issuance of summons; finding of reasonable cause; testimony; supplemental affidavits; basis of factual obligations; complaint alleging violation of MCL 750.81 or 750.81a or corresponding ordinance; refusal to accept complaint prohibited; compliance with MCL 764.1; definitions.

Sec. 1a. (1) A magistrate shall issue a warrant or summons upon presentation of a proper complaint alleging the commission of an offense and a finding of reasonable cause to believe that the individual accused in the complaint committed that offense. The complaint must be sworn to before a magistrate or clerk.

(2) Except in cases in which any of the following circumstances apply, the magistrate or clerk must issue a summons rather than a warrant:

(a) The complaint is for an assaultive crime or an offense involving domestic violence.

(b) The clerk or magistrate has reason to believe from the presentation of the complaint that the person against whom the complaint was made will not appear upon a summons.

(c) The issuance of summons poses a risk to public safety.

(d) The prosecutor has requested a warrant.

(3) A summons must be in the same form as a warrant except that it must summon the defendant to appear before a court at a stated date and time. The summons must be served upon a defendant by delivering a copy to him or her personally, by leaving it at his or her dwelling house or usual place of abode with some person of suitable age and discretion residing at that place, or by mailing it to the defendant's last known address. If a defendant fails to appear in response to the summons, a warrant may be issued.

(4) The finding of reasonable cause by the magistrate may be based upon 1 or more of the following:

(a) Factual allegations of the complainant contained in the complaint.

(b) The complainant's sworn testimony.

(c) The complainant's affidavit.

(d) Any supplemental sworn testimony or affidavits of other individuals presented by the complainant or required by the magistrate.

(5) The magistrate may require sworn testimony of the complainant or other individuals. Supplemental affidavits may be sworn to before an individual authorized by law to administer oaths. The factual allegations contained in the complaint, testimony, or affidavits may be based upon personal knowledge, information and belief, or both.

(6) The magistrate shall not refuse to accept a complaint alleging a violation of section 81 or 81a of the Michigan penal code, 1931 PA 328, MCL 750.81 and 750.81a, or a violation of a local ordinance substantially corresponding to section 81 of the Michigan penal code, 1931 PA 328, MCL 750.81, by the spouse of the victim, a former spouse of the victim, an individual with whom the victim has had a child in common, an individual with whom the victim has or has had a dating relationship, or an individual residing or having resided in the same household as the victim on grounds that the complaint is signed upon information and belief by an individual other than the victim.

(7) The magistrate shall not refuse to accept a complaint alleging that a crime was committed in which the victim is a vulnerable adult on the grounds that the complaint is signed upon information and belief by an individual other than the victim.

(8) A warrant or summons may be issued under this section only upon compliance with the requirements of section 1 of this chapter.

(9) As used in this section:

(a) "Assaultive crime" includes any of the following:

(i) A violation described in section 9a of chapter X.

(ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90h, not otherwise included in subparagraph (i).

(iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, and 750.411h, or any other violent felony.

(iv) A violation of a law of another state or of a political subdivision of this state or of another state that substantially corresponds to a violation described in subparagraph (i), (ii), or (iii).

(b) "Dating relationship" means frequent, intimate associations primarily characterized by the expectation of affectional involvement. Dating relationship does not include a casual relationship or an ordinary fraternization between 2 individuals in a business or social context.

(c) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.

(d) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236.

(e) "Vulnerable adult" means that term as defined in section 145m of the Michigan penal code, 1931 PA 328, MCL 750.145m.

History: Add, 1980, Act 506, Imd. Eff. Jan. 22, 1981;—Am. 1994, Act 70, Eff. July 1, 1994;—Am. 2005, Act 106, Imd. Eff. Sept. 14, 2005;—Am. 2012, Act 177, Imd. Eff. June 19, 2012;—Am. 2020, Act 394, Eff. Apr. 1, 2021.

THE CODE OF CRIMINAL PROCEDURE (EXCERPT)

Act 175 of 1927

762.10d Bench warrants; voluntary presentment; arraignment process; exceptions; definitions.

Sec. 10d. (1) Except in cases in which the person is alleged to have committed an assaultive crime or an offense involving domestic violence, a person who is wanted on a bench warrant or a warrant of arrest who voluntarily presents himself or herself to the court that issued the warrant within 1 year of the warrant issuance must be processed by the court according to this section.

(2) If a judicial officer is available to arraign the person on the warrant within 2 hours of the person's appearance, the court must arraign the person and set his or her case for the next stage of criminal proceedings. It must be presumed that the person is not a flight risk when the court sets bond or other conditions of release at an arraignment under this subsection.

(3) If a judicial officer is not available to arraign the person on the warrant within 2 hours of the person's appearance, the court shall recall the warrant and schedule the case for future arraignment.

(4) A court may deny a person the benefit of the procedure provided for in this section if the person has already benefitted from the procedure on any pending criminal charges.

(5) As used in this section:

(a) "Assaultive crime" includes any of the following:

(i) A violation described in section 9a of chapter X.

(ii) A violation of chapter XI of the Michigan penal code, 1931 PA 328, MCL 750.81 to 750.90h, not otherwise included in subparagraph (i).

(iii) A violation of section 110a, 136b, 234a, 234b, 234c, 349b, or 411h of the Michigan penal code, 1931 PA 328, MCL 750.110a, 750.136b, 750.234a, 750.234b, 750.234c, 750.349b, and 750.411h, or any other violent felony.

(iv) A violation of a law of another state or of a political subdivision of this state or of another state that substantially corresponds to a violation described in subparagraph (i), (ii), or (iii).

(b) "Domestic violence" means that term as defined in section 1 of 1978 PA 389, MCL 400.1501.

(c) "Violent felony" means that term as defined in section 36 of the corrections code of 1953, 1953 PA 232, MCL 791.236.

History: Add. 2020, Act 394, Eff. Apr. 1, 2021.

STATE OF MICHIGAN JUDICIAL DISTRICT	BOND RECOMMENDATION	CTN: <<CTN>>District Court Case No:
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THE PEOPLE OF THE STATE OF MICHIGAN V	DEFN NAME: [REDACTED]
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After review of the police reports and witness statements submitted to the Ingham County Prosecuting Attorney and authorization of a criminal complaint in this matter, please consider the following factors when setting bond.

- ☐ Protection of the public. MCLA 765.6; MSA 28.893, MCR 6.106(F)
 - ☐ Defendant on parole, probation, or pending other criminal charges.
 - ☐ Crime charged involves violence towards another person.
 - ☐ Crime charged involves possession/use of a firearm
 - ☐ Defendant has a history of violent behavior directed toward the victim
 - ☐ History of threatening and/or harassing behavior toward victim or witnesses
 - ☐ Intimate Partner
- ☐ Record for non-appearance at court proceedings or flight to avoid prosecution. MCR 6.106(F)(1)(b).
- ☐ Other factors associated with risk of lethality in domestic assault situations:
 - ☐ Threats to harm Animals
 - ☐ Threats to Kill Victim or Family
 - ☐ Threats to commit Suicide
 - ☐ Stalking behavior
 - ☐ Forced or threatened forced sex acts
 - ☐ Recent separation or divorce
 - ☐ Escalation of violence or risk-taking over time
 - ☐ Acute depression or unpredictable and violent mood swings
 - ☐ Attempts to isolate victim/prevent reporting
 - ☐ Crime committed in presence of children
 - ☐ Victim has a PPO against defendant
 - ☐ Other:

The People respectfully request:

- ☐ No bond. MCR 6.106(B)(1)
- ☐ Money bail [MCR 6.106(e)] with conditional release under MCR 106(D), conditioned on the following:
 - ☐ That the defendant be ordered not to be present at any residence of:
 - ☐ That the defendant be ordered not to have (or cause a third party to have) any direct or indirect contact with
 - ☐ That the defendant be ordered not to physically assault
 - ☐ That the defendant not use alcohol nor illicitly use any controlled substances.
 - ☐ That the defendant participate in a substance abuse testing or monitoring program.
 - ☐ That the defendant participate in a specified treatment program for
 - ☐ That the defendant surrender drivers license or passport.
 - ☐ That the defendant not possess a firearm or other dangerous weapon.
- ☐ That bond provide for arrest without a warrant upon violation of conditions of release under MCL 765.6b (PA 1993, No. 53)

NEWS

Lansing residents want 'dump' apartment shut down

by: [Tony Garcia](#)

Posted: Mar 8, 2022 / 10:16 PM EST

Updated: Mar 8, 2022 / 10:28 PM EST

SHARE

Lansing, Mich — People living at an apartment complex on Lansing's north side are fed up with what they call unsanitary conditions. Some residents 6 News spoke with say the place should be red-tagged and shut down by the city.

"It's trifling, it's disgusting, I don't know what else to do," said resident Alison Lake. "(The landlords) say oh I got this I got this. But they don't got this, so I'm getting a feeling it's time to be shut down."

Lake is talking about 318 Cesar Chavez Ave. and if it's not one thing, it's another.

“Sometimes there’s no heat, there are all kinds of critters in here, bed bugs and stuff like that,” said her floormate who lives down the hall, Paul Middleton. “And the landlord, he’s not doing nothing about it.”

ADVERTISING

When 6 News arrived Tuesday, the heat had been fixed — it was a problem with the boiler. As for the rest of the complaints, 6 News reporters saw bugs as well as other problems in all three apartments they went in.

“Bed bugs, roaches, my ceiling is falling down,” Lake said. “It’s just disgusting, it’s nasty, it’s not good for kids. I can’t have my kids back, I’m actually fighting custody and

he says I can't even have my kids here."

6 News called the owner of the building, who said: "I've owned it for 13 years, it gets inspected by the city every couple of years, we do everything that is asked of us."

6 News went downtown to the city compliance building to confirm, and spoke with code enforcement manager Scott Sanford. He told us off camera the last time the city went out to the residence was March 2021 and it passed compliance tests. He also said he plans to send another crew out this week.

What 6 News saw were holes in the ceiling of a closet, in the wall behind a bathtub, loose wires in the basement, and bugs in a refrigerator. That's on top of other problems.

"There are dead mice in the basement that still haven't been picked up," Lake said. "He took I think the washer out, and there's only a dryer down there so

basically now we can't do laundry,
we have to go to a laundry mat."

Middleton removed the air
mattress from his apartment and
says he's not sleeping there
anymore.

"This place is a dump," Middleton
said. "It's not safe living here, so I
might just sleep in the truck
tonight."

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**CITY OF LANSING - DEMOLITION BOARD
REPORT FOR CITY COUNCIL
CASE OVERVIEW SHEET**

ADDRESS:	3601 DEERFIELD AVE
PARCEL NUMBER:	33-01-01-31-206-051

LISTED TAXPAYER:	WADE, MARY G
INTERESTED PARTIES:	ANTKIER, ROCK (POSS NEW OWNER)
SEV INFORMATION:	\$46,400.00
LAND VALUE:	\$20,176.00
BUILDING VALUE:	\$72,582.00
LOT SIZE:	70 X 120

LEGAL DESCRIPTION:	LOT 54 SHERATON PARK
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ORDER OF DEMOLITION BOARD

DEMOLITION BOARD MEETING DATE:	12/2/2021
ORDER:	MAKE SAFE OR DEMOLISH BY 2/02/2022
REASON/CONDITIONS:	UNSAFE
HEARING OFFICER:	DAVE MUYLLE

CURRENT CITY COUNCIL ACTIVITY

REQUEST FOR SHOW CAUSE SENT:	2/23/2022
SHOW CAUSE HEARING DATE:	
PUBLIC SAFETY COMMITTEE WILL REVIEW:	

SHOW CAUSE HEARING DATE:	
DEMOLITION CASE FILE #:	

HOUSING CODE VIOLATION LTR:	2/26/2020
ORIGINAL RED TAG DATE:	9/3/2020
ZONING:	"A" RESIDENTIAL
ESTIMATE OF REPAIRS:	\$71,916.00
PICTURES:	YES
OTHER:	

CURRENT PERMIT ACTIVITY

BUILDING:	REQUIRED NOT PULLED
ELECTRICAL:	REQUIRED NOT PULLED
MECHANICAL:	REQUIRED NOT PULLED
PLUMBING:	REQUIRED NOT PULLED
DEMOLITION:	na

3601 DEERFIELD

- Original Red Tag Date

- 09/03/2020

- Submitted Into Make Safe Or Demolish Process

- 8/27/2021

- Property Vacant/Repairs Exceed Building SEV

- Property vacant more than 180 days
 - Repairs exceed building SEV

- Title Information

- WADE, MARY G

3601 DEERFIELD

Property Value Information

● SEV

● \$46,400.00 (*as of 2/23/2022*)

● Structure

● \$72,582 (*as of 2/23/2022*)

● Land

● \$20,176.00 (*as of 2/23/2022*)

● Estimate of Repairs

● \$71,916.00

3601 DEERFIELD.

Housing Code Correction Letters

● Code Compliance Inspection Date

● 02/26/2020

● Code Compliance Letter Written

● 02/26/2020

● 9/03/2020 (RED TAGGED)

● Code Compliance Due Date

● 03/27/2020

3601 DEERFIELD.

Demolition Board Actions

● Demolition Board Show Cause Hearings

- 12/02/2021

- 09/23/2021

● Order by Demolition Board

- MS or D by 2/02/2022

● Request Sent To City Council for Show Cause Hearing

- 02/23/2022

3601 DEERFIELD.

City Council Actions

- Show Cause Hearing Held

- 00/00/00

- Public Safety Committee Meeting

- 00/00/00

- Resolution passed by City Council

- Extension Requested By Owner

3601 DEERFIELD.

General Comments

None of the required permits have been pulled as of 02/23/2022.

Owner of record Mary G Wade passed 10/13/2021.

There is possibly a new owner however they have failed to start work sale is not recorded as of 2/23/2022

RECOMMENDATIONS

● FOR NEW CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Table case – Stays at PS Committee level for future review.

● FOR EXTENSION REQUESTS:

- Grant extension if requested. Requires new resolution be passed by City Council.
- Deny extension requested. Case will proceed in demo process and be sent out to bid for demolition.

● FOR TABLED CASES:

- Recommend time frame for MS or D. This requires a resolution be passed by City Council –
 - 60 days for regular demolitions
 - 30 days for fire-damaged demolitions
- Return case to table – Stays at PS Committee level for future review.









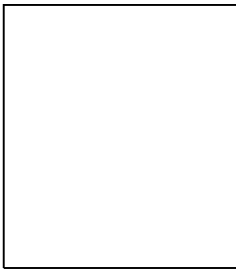












Economic Development & Planning Code Enforcement Office

316 N. Capitol Ave Lansing, MI 48933-1238
(517) 483-4361 FAX (517) 377-0100

Notice Printed: 02/26/2020

Exterior Correction Notice

**WADE MARY G
3601 S DEERFIELD AVE
LANSING, MI 48911-2316**

Inspection Type:	Safety
Inspection Date:	02/26/2020
Compliance Due Date:	03/27/2020

Violation Location:	3601 DEERFIELD AVE
Parcel No:	33-01-01-31-206-051

The above referenced address was found to have certain violations of the Lansing Housing and Premises Code, Chapter 304 of the Code of Ordinances. **The violations are listed below and must be corrected by the compliance due date.**

AREA: Exterior

***Sec 304.7 Roof covering is deteriorated - damaged - leaking - missing.
Contact the City of Lansing Building Safety Office at 517-483-4355 to
determine if a permit is required.***

**INSPECTOR COMMENTS: *Roof appears damaged/deteriorated. Tarp has been on
roof for a couple years.***

If you have any questions or concerns about complying within the time indicated, you may contact at (517) 483 6849 Monday through Friday between the hours of **8-9** - AM or **12-1** - PM.

Officer: Meredith D Johnson Meredith.Johnson@lansingmi.gov

Pursuant to Section 107.2 of the IPMC, you have the right to appeal this notice of violation. In accordance with Section 106.3 any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

This does not guarantee discovery or reporting of all code violations or property defects, manifest or latent, which exist at the property inspected. The City of Lansing, its officers and employees, shall not be liable for any injury or damage, including incidental or consequential damages, claimed to be a result of any failure to discover or report code violations or property defects.

As specified by section 107- Notice and Orders - a copy of this violation was sent to:

Taxpayer of Record: WADE MARY G, 3601 S DEERFIELD AVE, [String.Parcel Owner.CityStateZip]



Economic Development & Planning Code Enforcement Office

316 N. Capitol, Ste C-1, Lansing, MI 48933-1238
(517) 483-4361 FAX (517) 377-0100

Notice Printed: 09/02/2020

Unsafe and Dangerous Correction Notice

WADE MARY G
3601 S DEERFIELD AVE
LANSING, MI 48911-2316

Inspection Type: Safety
Inspection Date: 09/03/2020
Compliance Due Date: 10/03/2020

Violation Location:	3601 DEERFIELD AVE
Parcel No:	33-01-01-31-206-051

The above referenced address was found to have certain violations of the Lansing Housing and Premises Code, Chapter 108 of the Code of Ordinances. **The violations are listed below and must be corrected by the compliance due date.**

Sec 108.1.5 Roof is deteriorated/damaged/leaking and requires repair.

INSPECTOR COMMENTS: *Contact the City of Lansing Building Safety Office at 517-483-4355 to determine if a permit is required.*

This dwelling has been declared an UNSAFE STRUCTURE as defined in section 108 of the Lansing Housing and Premises Code. Signs have been posted at each entrance that read - DO NOT ENTER, UNSAFE TO OCCUPY. It is a misdemeanor to occupy this building, or to remove or deface this notice. Said dwelling shall remain vacant until this office has conducted a complete inspection and approved all corrections.

Failure to comply by the compliance due date may result in the issuance of a Municipal Civil Infraction. Violation with **Fines: \$500 per day for each violation.**

Pursuant to Section 107.2 of the IPMC, you have the right to appeal this notice of violation. In accordance with Section 106.3 any action taken by the City on such premises shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

If you have any questions or concerns about complying within the time indicated, you may contact at (517) 483 6849 Monday through Friday between the hours of **8-9** - AM or **12-1** - PM.

Officer: Meredith D Johnson Meredith.Johnson@lansingmi.gov

This does not guarantee discovery or reporting of all code violations or property defects, manifest or latent, which exist at the property inspected. The City of Lansing, its officers and employees, shall not be liable for any injury or damage, including incidental or consequential damages, claimed to be a result of any failure to discover or report code violations or property defects.

As specified by section 107- Notices and Orders - a copy of this violation was sent to:

Taxpayer of Record: WADE MARY G, 3601 S DEERFIELD AVE, LANSING, MI 48911-2316

BY THE COMMITTEE ON PUBLIC SAFETY
RESOLVED BY THE CITY COUNCIL OF THE CITY OF LANSING

WHEREAS, the City of Lansing Code Enforcement Division has declared the building at 3601 DEERFIELD AVE., Parcel # 33-01-01-31-206-051, legally described as: LOT 54 SHERATON PARK, to be unsafe and dangerous as defined in Section 108.1 of the Lansing Housing Code and the applicable laws of the State of Michigan and thus, ordered the building to be red tagged on September 03,2020 as unsafe to occupy; and

WHEREAS, the Lansing Demolition Board, at its meeting held on DECEMBER 02,2021 declared the building to be unsafe and dangerous as defined in the Lansing Housing Code (1460.09) and the applicable laws of the State of Michigan (MCLA 125.539) and ordered the property to be made safe or demolished by FEBRUARY 02,2022; and

WHEREAS, the Code Enforcement Division has determined that compliance with the order of the Demolition Board has not occurred; and

WHEREAS, the Lansing Housing Code and the applicable laws of the State of Michigan require that the City hold a hearing to give the property owner an opportunity to show cause as to why the building should not be demolished or otherwise made safe;

NOW THEREFORE, BE IT RESOLVED that a show cause hearing will be held during the City Council meeting on Monday, <<FutureHearingDate>> at 7:00 p.m. in consideration of issuing an order requiring the building at 3601 DEERFIELD AVE. to be made safe or demolished within a specific period of time.

BE IT FINALLY RESOLVED that the Lansing City Council directs the Code Enforcement Division to notify the owner of 3601 DEERFIELD AVENUE of the opportunity to appear and present testimony at the hearing.









03/17/2022 11:05





