

**ORDINANCE NO. 33-18
CHAPTER 43
ARTICLE VI**

AN ORDINANCE to amend Chapter 43 of the 1984 Detroit City Code, *Police, Article VI, Citizens Radio Patrol Assistance Program, Section 43-6-4, Eligible expenditures, to incorporate certain expenses pertaining to bicycling as eligible for reimbursement when such expenses are made for purposes related to the Citizens Radio Patrol assistance Program; and Section 43-6-6, Conditions of assistance, to protect the value to the City for assistance funds spent on bicycle equipment and maintenance for purposes of the Citizens Radio Patrol Assistance Program.*

IT IS HEREBY ORDAINED BY THE PEOPLE OF THE CITY OF DETROIT THAT:

Section 1. Chapter 43 of the 1984 Detroit City Code, *Police, Article VI, Citizens Radio Patrol Assistance Program, be amended by amending Sections 43-6-4 and 43-6-6, to read as follows:*

CHAPTER 43. POLICE

**ARTICLE VI. CITIZENS RADIO PATROL ASSISTANCE PROGRAM
Sec. 43-6-4. Eligible expenditures.**

The following shall be deemed eligible for reimbursement under this article:

- (1) All radios and auxiliary equipment reasonably necessary for patrol operations, including but not limited to base stations, mobile transceivers, "walkie-talkies," "porta-pak" power supplies, batteries, battery chargers, crystals, antennae, and antenna cable;
- (2) All radio repair services reasonably required by patrol operations;
- (3) Base station rental not to exceed prevailing market rates;
- (4) Base station utilities, including and limited to electric, heat, water and telephone;
- (5) Patrol member mileage reimbursement, rate not to exceed the standard mileage rate as prescribed in the Internal Revenue Code each year, which is not subject to income tax;
- (6) Emergency equipment, including and limited to, flashlights, flares, reflectors, portable spotlights, portable red, green or amber flashing lights (as permitted by state law), reflective vests, and fire extinguishers;
- (7) Purchase of vehicle identification and neighborhood patrol identification signs;
- (8) Purchase of apparel, i.e. shirts, jackets, and hats with patrol identification;

(9) Office supply and printing expenses incurred in connection with patrol operations, as provided for in the administering agency's rules and regulations;

(10) Helmets, lights, and reflectors for bicycles that are used for patrol operations; or

(11) Any tune-ups, routine maintenance, and equipment replacement or upgrades that are reasonably necessary for bicycles used for patrol operations to be in good mechanical condition.

Sec. 43-6-6. Conditions of assistance.

(a) *Mission.* Assistance shall be available under this article only to those citizens radio patrols whose primary mission is to make neighborhoods more secure from criminal acts by patrolling and reporting observations to the Police Department.

(b) *Use of vehicles.*

(1) Use of vehicles in patrolling shall not be a condition of assistance.

(2) Vehicles used for patrolling shall be in good mechanical condition.

(3) Vehicles used in patrolling shall be insured in accordance with state law.

(c) *Nonprofit corporation status; other financial limitations.*

(1) To be eligible for assistance, patrols must be incorporated under state law as nonprofit corporations.

(2) Patrolling shall not be done for hire.

(3) No salary shall be paid to any member, officer or staff of a patrol.

(d) *Licensing and regulations.*

(1) Patrols shall hold any appropriate licensing necessary for operation in the name of the patrol or parent corporation.

(2) Patrols shall comply with all applicable state and federal laws and regulations governing radio operations.

(e) *Ties to community and other patrol membership qualifications.*

(1) At least 80% of active patrol members shall be persons residing in or owning businesses in the regularly patrolled community.

(2) Patrols shall not discriminate on the basis of race, creed, color, sex, or national origin in selecting members.

(3) Patrols shall not employ property ownership or its equivalent as a condition of membership.

(4) A patrol may establish a minimum age for patrol membership eligibility not greater than 18 years; members under 18 must be accompanied by a parent or guardian when operating a base station or when on street patrol duty.

(5) The Police Department shall, upon the request of a patrol and with the consent of the applicant, run a records check on an applicant for patrol membership.

(f) *Identification.*

(1) All patrols shall use a uniform, city-wide identification card to be developed by the administering agency and the patrols, a copy of which shall be furnished to the Police Department; patrols shall issue such identification cards to their members and sample cards shall be filed with each police precinct in which the patrols operate.

(2) Patrols shall file with each police precinct in which they operate a complete listing of patrol personnel and vehicles.

(3) Prior to commencing patrol operations each day, patrols shall notify each police precinct in which they intend to operate of the names and vehicle descriptions for units which will be operating in that precinct.

(4) No identification, including uniforms, worn by patrol members shall resemble in any way that worn by police officers.

(g) *Training.* All patrol members shall be required to attend a Police Department orientation program prior to taking part in patrol operations. The Police Department may waive this condition with respect to members of established patrols who have accumulated a minimum number of in-service hours.

(h) *Patrol areas.* Patrol boundaries shall be subject to City approval.

(i) *Patrol conduct rules.*

(1) No patrol member, including those holding concealed weapon permits, shall carry any weapons on their person or in a patrol vehicle (including the luggage compartment) during patrol operations. Prohibited weapons shall include, but not be limited to guns of any type, knives, chains, clubs, tire irons and chemical dispensers; prohibited weapons shall not include a standard jack handle, properly stowed.

(2) Attack dogs shall not be carried in any patrol vehicle during patrol operations.

(3) During vehicle patrol operations, patrol members shall remain in their vehicles except while performing good Samaritan acts, or where exit from the vehicle is necessary to protect or defend other persons against the threat of immediate bodily harm; provided that, nothing herein shall be construed to impose a duty on patrol members to leave their vehicles under any circumstances.

(4) While on patrol, members shall not conduct interrogations of persons suspected of criminal activity.

(5) No patrol member shall, during patrol operations, attempt to make any citizen's arrest except in the course of protecting or defending other persons

against the threat of immediate bodily harm; provided that, nothing herein shall be construed to impose a duty on patrol members to make a citizen's arrest under any circumstances.

(6) No emergency signaling lights or other signaling devices, e.g. amber flashing lights or sirens, may be in operation in or on a moving patrol vehicle during patrol operations; this prohibition shall not include the standard factory-installed flasher system or its equivalent.

(7) Patrol members shall not be present at the scene of police criminal investigations or apprehension efforts except where they have relevant information to furnish; and when present for that purpose, no other involvement shall be undertaken.

(8) No police monitor shall be used in any patrol vehicle unless the owner or operator has secured a permit from the State Police.

(9) Patrol members shall not consume or be under the influence of illegal drugs, alcoholic beverages, or narcotic medication while on patrol duty.

(10) Patrol members who are off-duty police officers shall be exempt from these rules and all other conditions of assistance to the extent of any conflict with department regulations.

(j) *Accountability for and disposition of equipment purchased or repaired with City assistance.*

(1) The City shall hold title to any equipment purchased pursuant to this Article and all citizen patrols shall be accountable to the city for such equipment.

(2) Patrols shall secure from any member who has his or her radio repaired, or bicycle repaired or upgraded, in whole or in part with City assistance funds pursuant to this Article an agreement that if he or she should cease to be an active patrol member for any reason within a three-month period following the completion of repairs, he or she shall be liable to the patrol for the City's share of such repair and upgrade costs.

(3) Any patrol which ceases active patrol operations or is dissolved after receiving City assistance shall deliver possession of any equipment purchased in whole or in part with City assistance funds to the administering agency or an agency designated by it to dispose of such equipment.

(4) Any equipment purchased with City assistance funds which is determined by a patrol to be unserviceable may be sold by the City for fair market value; the proceeds of any such sale shall be used to purchase new citizens

patrol radios and equipment reasonably necessary for patrol operations.

(k) *Additional conditions.* Patrols shall be subject to such additional eligibility conditions as the administering agency shall promulgate and the City Council shall approve.

(l) *Applications for assistance and keeping records.*

(1) Patrols shall provide all requested information with applications for assistance; any deliberate falsification of material information shall result in automatic termination of assistance and ineligibility for future assistance.

(2) Patrols shall maintain records to support information contained in their applications for assistance and to account for the use and disposition of equipment purchased, repaired, or upgraded in whole or in part with City assistance funds.

(3) Patrols shall, when initially applying for assistance and annually at the beginning of each fiscal year, provide a list to the City of all the radio equipment in their possession, distinguishing which equipment was bought with City assistance funds and which was not.

Section 2. All ordinances, or parts of ordinances, that are in conflict with this ordinance are repealed.

Section 3. This ordinance is declared necessary to preserve the public peace, health, safety, and welfare of the People of the City of Detroit.

Section 4. If the event that this ordinance is passed by a two-thirds (2/3) majority of the City Council Members serving, it shall be given immediate effect and become effective upon publication in accordance with Section 4-118 of the 2012 Detroit City Charter. In the event that this ordinance is passed by less than two-thirds (2/3) majority of the City Council Members serving, it shall become effective on the thirtieth (30) days after enactment, or on the first business day thereafter, in accordance with Section 4-118 of the 2012 City Charter.

(J.C.C. Page) November 7, 2018
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Approved: November 26, 2018
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JANICE M. WINFREY
City Clerk

