

11-11-2014--05

Whereas we are a small community and our overall population numbers are low, with constituents often being related, friends, or acquaintances; and

Whereas it is sometimes difficult to complain about family and neighbors without further exacerbating an already tense situation and acts of recrimination could be possibly forthcoming; and

Whereas every person accused of a crime has a fundamental right to confront the witnesses against them;

Whereas the Board, if it is satisfied with the veracity of the complaint, can agree to become the official complainant in the individual's stead; and

Whereas successful prosecution of a violation may require identities to be disclosed,

Let it be resolved that if a complainant requests anonymity when complaining or expressing a concern about another's conduct, especially as it pertains to violation(s) of township ordinance(s), Crystal Lake Township shall

- assess the situation to see if the offense is one which can be observed by the designated official after a complaint is received from an anonymous source; [e.g. zoning or blight ordinance violations]. In those cases, there is no need to identify the complainant because the designated official can testify in the action to approach or to prosecute the violator.
- advise the complainant that all attempts will be made to maintain anonymity but that this may not be possible. A name would have to be disclosed in order to prosecute the violator, since it would be the complainant who is the one who witnessed the alleged illegal conduct [e.g. ignition of fireworks] and whose testimony would be necessary to prove the case; in which case the complainant will be given the choice to "go public" or the enforcement action may be hindered, perhaps stopped all together.
- honor the request for anonymity to the extent there is no need to identify the complainant in order to prosecute the charges involved. In such a situation, the complainant's name shall be exempt from disclosure under section 13(b)(iv) of the FOIA [MCL 15.243(b)(iv)] which exempts from disclosure public records which would "disclose the identity of a confidential source, or if the record is compiled by a law enforcement agency in the course of a criminal investigation, disclose confidential information furnished only by a confidential source."

Moved by: Amy Ferris

Supported by: Brooke Trentham

Vote: Aye Ferris Nay May (Absent) Nielsen Aye Sullivan Aye Trentham

This resolution/motion ~~does not pass~~/passes on this day, November 11, 2014.

Signed, Sue Sullivan

Sue Sullivan, CLT Clerk