



500 West Big Beaver
Troy, MI 48084
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CITY COUNCIL AGENDA ITEM

Date: October 7, 2020

To: Mayor and City Council Members

From: Lori Grigg Bluhm

Subject: Response to Public Comment Concerning Prosecution

Clawson City attorney Renis Nushaj submitted a public comment for the last City Council meeting. He is a Troy resident and business owner, and also serves as defense counsel for a number of criminal and traffic cases brought by the City of Troy. His comments were unexpected and surprising, and I am glad for the opportunity to provide clarification.

First, Mr. Nushaj asserted that the City of Troy has “antiquated laws and policies.” He implies that the City of Troy ordinances “disproportionately affect minorities and residents of modest means,” and he faults the City of Troy for criminally pursuing persons who had no automobile insurance coverage or no valid driver’s license. These are criminal charges that are authorized under state statute, and to the best of my knowledge, the City of Clawson is one of the only communities that has modified the state law, and passed an ordinance making no insurance a civil infraction. Our office does not recommend modifying the no insurance provision for Troy, since there is a negative impact to those who purchase auto insurance when persons drive without it. The State of Michigan has also seen many instances of fraudulent insurance certificates, and there is a task force in the Michigan Attorney General’s Office devoted to this issue. Similarly, our office does not recommend any change to the criminal charge of driving without a valid driver’s license. We have prosecuted numerous cases where persons were driving, even when his/her license was suspended based on a drunk driving charge. These persons are driving in a manner that draws the attention of the police officers to them.

Mr. Nushaj then incorrectly stated that the City of Troy criminalizes those cases where a person has merely left his/her valid license at home. If a person is stopped in the City of Troy, and has a valid license, they are provided with an opportunity to present their valid license, and there are no criminal consequences.

Mr. Nushaj faults the City Attorney’s Office, as the prosecutor for the “People of the City of Troy,” for zealous prosecution. The professionals in the City Attorney’s Office are committed to the health, safety, and welfare of its citizenry, and we take an oath that we will enforce the laws as written. The City Attorney staff enjoys an excellent reputation, which is due in part to years of trial and motion experience, as well as diligence and discernment in researching and responding to various motions filed by defense attorneys and individuals. Even so, we understand that as prosecutors, we are criticized by defendants and defense attorneys, especially when motions or the requested relief is ultimately denied by the judge.



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We know that Mr. Nushaj has vocally opposed the City Attorney Office policy for addressing traffic tickets, and other attorneys have also voiced complaints. Our policy was fairly recently enacted to improve efficiencies and provide consistency. Other communities have requested our policy, and upon information and belief, have adopted similar policies. Under Troy's policy, when a person challenges a traffic ticket the Court first sets the matter for a pre-formal. At that time, our staff reviews the driver's history, and if there are any citations during the past five years, this is factored into the decision on a requested reduction. Additionally, the policy requires a review of the charge written, and whether or not the police officer gave the driver a significant break on the road. Most of the traffic ticket cases are resolved at this pre-formal stage, whether the driver is represented by an attorney or challenges the ticket without counsel. There are a few cases that end up being set for a formal hearing, where the police officers are required to appear and testify, and the Court decides whether the driver committed the traffic infraction. Our policy is uniformly applied to all traffic tickets, and has probably resulted in less legal work for those attorneys who regularly practice in this area. There are always persons who are concerned about the impact that the traffic ticket will have on the cost of insurance, and so they proceed to formal hearing, hoping that the Judge will dismiss or reduce the ticket. For many of these formal hearings, the Court necessarily informs the driver that under our adversarial system, our office is vested with prosecutorial discretion, and neither the Court nor the police have the power to dismiss or reduce the ticket unless and until the case was not proven by a preponderance of the evidence (just over 50%).

Thank you for the opportunity to address Mr. Nushaj's accusations in writing, and the chance to extol the professionalism and dedication of the Troy City Attorney Office staff.