

CREATE THE SHERIFF PATROL ASSISTANCE GRANT ACT

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House Bill 4423 (reported from committee as H-1)
Sponsor: Rep. James A. Lower
Committee: Local Government
Complete to 5-16-17

Analysis available at
<http://www.legislature.mi.gov>

BRIEF SUMMARY: House Bill 4423 (H-1) would create the "Sheriff Patrol Assistance Grant Program" within the Department of Treasury, and allow counties to apply for and receive grant funding to support the hiring of up to four sheriff deputies for a period of three years. The bill would take effect 90 days after being enacted into law.

FISCAL IMPACT: The bill would have a positive fiscal impact on counties that meet the application criteria and are awarded funds by the Department of Treasury. However, the magnitude of the fiscal impact would be subject to the amount of funds appropriated. The provisions of the bill would increase administrative costs for the Department of Treasury. At this time, there is no cost estimate. The House-passed version of the FY 18 General Omnibus Budget Bill (HB 4323) includes a \$100 placeholder for this grant program under Article VIII, Sec. 108. Department of Treasury.

THE APPARENT PROBLEM:

Recent reductions in both state statutory revenue sharing payments and taxable property values have forced county governments to cut costs and reduce or consolidate services. County sheriff departments have not been spared by these reductions. According to the Michigan Commission on Law Enforcement Standards (MCOLES), the number of total law enforcement officers in the state declined from 22,488 in 2001 to 18,478 in April 2017.¹ While budget cuts have led to reduced staffing and services, the need for law enforcement protection and patrol at the county level has not diminished.

THE CONTENT OF THE BILL:

House Bill 4423 would create a new act, the "Sheriff Patrol Assistance Grant Act." The act would create a fund within the Treasury and allow disbursements to pay for sheriff deputies in certain selected counties. Counties could apply to the program and be awarded funds based on demonstrated need. A more detailed description of the bill follows.

Department of Treasury

The bill would make the following changes regarding the Department of Treasury:

- Create the Sheriff Patrol Assistance Grant Fund within the state Treasury, and direct the State Treasurer to receive assets for deposit into the fund (from any source),

¹ http://www.michigan.gov/documents/mcoles/LEO_Population_04-30-17_560421_7.pdf "Law Enforcement Population Trends – April 2017"

direct the investment of the fund, and credit to the fund interest and earnings from investments. Money in the fund would remain in the fund at the close of a fiscal year, and money would only be expended from the fund, upon appropriation, to provide program grants.

- Subject to appropriation, create the Sheriff Patrol Assistance Grant Program within the Department of Treasury. Treasury would administer program grants to counties, which could only be used to fund no more than four county-funded deputy positions. ("County-funded deputy" is defined in the bill as a licensed law enforcement officer whose employment is funded by a county, who is paid for uniform services as a sheriff's deputy, and who is not assigned to provide uniform services or court services on a contract basis. "Uniform services" are defined as the regular duties performed by a law enforcement officer, including, but not limited to, road patrol, crime investigation, crime prevention, and keeping the peace.)
- Require that grants awarded to counties be used to fund additional county-funded deputies, and not support the employment of existing county-funded deputies. Grant awards are in addition to, and not a replacement of, any other funding for a county sheriff department.

Application Process

The bill would allow counties to apply for grants, with the following guidelines:

- Applications begin December 1, 2017, and counties must apply within 60 days.
- Within 60 days of January 30, 2018, Treasury must determine if a county that has applied is eligible to receive a grant.
- As a part of its application, a county must include:
 - Data from the previous 10 calendar years demonstrating the number of county-funded deputies lost annually over that period (including the number of county-funded deputies employed at the beginning of the 10-year period and number employed on the date of application).
 - The number of deputies for which the county is applying to receive funding (maximum four).
 - An affidavit signed by the county executive or chief county administrator attesting that the information is accurate.
- Treasury must publish on its website the application form and fiscal report documentation that a county is required to provide with its application.
- Treasury must approve the application of a county that meets these eligibility requirements.

Grant Award Recipients

Treasury would award grants to approved counties in the following manner:

- Begin by awarding grants to counties with the **highest percentage loss** of county-funded deputies, calculated based upon the total number of county-funded deputies employed at the beginning of the 10-year period and the number employed at the time of application; then continue awarding grants in descending order until all money in the fund has been awarded.

- If multiple counties have the same rate of county-funded deputies lost, equal full grants to those counties would first be awarded; if not enough money remained in the fund to support full grants, equal partial grants must be awarded. (A "full grant" is defined as one that meets the county's full request; a "partial grant" is one that does not meet the county's full request, but supports at least one deputy.)
- If not enough money remains in the fund to support at least one county-funded deputy, Treasury cannot award the remaining money.

Payment Rates

Payment rates would be set at the following:

- If Treasury were to approve a county's application, it must provide payments to fund not more than four county-funded deputies.
- Treasury must use the reimbursement rate of an existing shared service agreement to pay for the county-funded deputies. ("Shared service agreement" is defined as an agreement between a county and a municipality within a county in which the county agrees to provide the municipality uniform services at an agreed-upon rate of reimbursement by the municipality to the county.)
- If the county is not party to a shared service agreement, the rate is \$70,000 per deputy per year.

Grant Payments and Limitations

The bill would make the following provisions for payments:

- Grant payments must be paid on a monthly schedule under an agreement between the county and Treasury. The first payment must be issued no later than April 1, 2018.
- Grant funding provided by the act is for a period of three years. A county may reapply for grant funding (in the same manner) after three years have elapsed from the date a county initially submitted its application.

County-Funded Deputy Responsibility

A county-funded deputy hired from grant funds within a county that is party to a shared services agreement would be utilized by the county sheriff department's discretion, and would not be required to serve in a capacity limited to providing uniform services to a municipality with which the county has a shared services agreement.

ARGUMENTS:

For:

Funding and revenue reductions to counties have been passed on to county sheriff departments. Across Michigan, many of these departments are operating with a reduced sheriff deputy staff, and have limited the services that sheriff deputies provide, including general road patrol, nighttime shifts, and in-school education programming. This bill and program is an opportunity for those departments to receive grants and fund up to four new sheriff deputies. The awarding of grants will be based on demonstrated need, and the payment will be limited in amount to the shared services agreement or a statewide maximum. More sheriff deputies will increase the services and protection offered by county sheriff departments, and will increase the safety of citizens across the state.

Neutral:

The lack of sufficient funding for county sheriff departments is indicative of a larger problem of how local and county governments are funded. With sufficient funding levels and tools, counties and their county sheriff offices should be able to provide adequate services and hire deputies as they see fit. Rather than proposing a temporary solution, a better approach would be to find long-term solutions that address the root cause of the problem.

POSITIONS:

Representatives of the following organizations testified in support of the bill:

- Montcalm County Sherriff's Office (3-29-17)
- Kent County Sheriff's Office (3-29-17)
- Michigan Sheriffs' Association (3-29-17)
- Shiawassee County Sheriff (4-26-17)

Representatives of the following organizations indicated support of the bill:

- Michigan Association of Counties (3-29-17)
- Police Officers Association of Michigan (4-26-17)
- Deputy Sheriff's Association (4-26-17)

Legislative Analyst: Patrick Morris
Fiscal Analyst: Kent Dell

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.