

Providing Police Protection in Your Township



Statutory authority to establish police departments was given to Michigan townships in 1945. Before that time, townships relied on county sheriffs and state police for protection. The need for public safety services in townships was usually manageable, as these were mainly rural areas with small populations.

Today, some townships have seen their needs outpace the county or state's ability to provide adequate service. Whether this is due to growth in local demand, budget reductions or policy changes, these communities have been forced to investigate new options for providing for public safety. Townships looking to provide police service to their residents have a number of options from which to choose. Depending on the situation, officials may choose to become *producers* or *providers* of police service.

Regardless of police service levels or township size, all township officials can benefit from understanding the various ways to provide police protection. Smaller, less complex communities may wish to plan for future growth, while others may be struggling to meet current demand or deal with county or state policy changes.

UNDERSTANDING COUNTY & STATE RESPONSIBILITIES

To understand the county's role in township police service, it is important to distinguish between the mandatory and discretionary functions of the county sheriff. The sheriff's statutory responsibilities include operation of local jails, enforcement of criminal law, court protection and others. Discretionary law enforcement policy varies across the state depending on political will, citizen demand, and available resources. Patrols extend into township boundaries based on the discretion of the sheriff or contractual agreements, and sometimes a combination of both.

A 1976 appeals court ruling involving **Brownstown Charter Township** (Wayne Co.) and the Wayne County Board of Commissioners affirmed the discretion of the county sheriff. The court ruled that the sheriff must patrol areas within the county that do not have adequate local police protection; however the requirements for meeting this responsibility are minimal. The county sheriff is required only to stay updated on activity and respond professionally to calls for assistance. Beyond this minimal level of protection, the sheriff allocates resources as he or she finds appropriate.

Partially in response to this ruling, the state legislature created the Secondary Road Patrol Fund in 1978 to enhance county road patrols. Counties apply for funding annually, and must prove that road patrol expenditures have not dropped below the 1978 level. However, significant variation exists in extent to which counties use these funds to patrol townships.

Many township residents and officials have learned the hard way that the county sheriff and board of commissioners have discretion over the amount and intensity of road patrols outside city and village limits. Although county officers are *authorized* to enforce local ordinances for units within the county, they are only *responsible* to do so if a contractual agreement exists. Essentially, townships must contract with the county sheriff to ensure specific service levels.

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Macomb County Sheriff Mark Hackel publicly noted this fact to four of the county's northern townships in late 2005. Citing budgetary constraints, Hackel announced that deputies would be pulled from townships without law enforcement service contracts. "I'm obligated to provide patrols to the north end, to the extent that I'm able to do it," Hackel stated. "But in the future, if my budget takes a hit, that could change."

The Oakland County Sheriff's office has a long-standing policy of only providing services to local units of government that contract for designated police protection. Oakland County refuses to provide "free patrols" to any community. Captain Doug Molinar, head of the Patrol Services Division for Oakland County, elaborated on this policy. According to Molinar, county officers only respond to non-contracting townships following a request from the Michigan State Police or in case of emergency. The minimal patrols that run in these townships are funded through Secondary Road Patrol Funds and other appropriations from the board of commissioners.

The Michigan Department of State Police provides protection to residents of the state regardless of governmental boundaries. The department attempts to avoid duplication of services when possible and gives priority to residents who do not have police protection. This policy is obviously contingent on available resources and sets no requirement for the quality of services.

A majority of townships in Michigan rely solely on county and state police protection, with no contract for designated service. This is called a *grant system*, wherein the receiving party (the



Photo credit: Sgt. Randy King, Meridian Charter Township Police Department

township) has no power over the giving party (the county or state). For many townships, this system is no longer adequate. Alternatives include *administrative arrangements* in which local officials choose to appropriate money for their own police services or *bargained arrangements* whereby local officials buy police services from another unit of government. Cooperative efforts to jointly produce police services are considered bargained for the purposes of this article.

Proactively assessing the needs of the township is the first way to ensure that time and money are spent efficiently when choosing between the options noted above. There are a number of basic options that townships can use to gather information and assess their need for police services.

ASSESSING CURRENT NEED

Township officials and citizens may find that they have pre-conceived notions about the adequacy of police protection in their community. Unfortunately, these notions often derail efforts to assess the actual adequacy of police service levels. All involved parties must be willing to examine the situation from a broad perspective and base decisions on more than their original "gut feeling" or a few loud voices. A truly successful assessment will rely on hard data and community consensus.

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In-depth analysis of police services may be initiated based on public safety or budgetary concerns. This is true for townships that contract for service, as well as those with their own departments. It is important to recognize that, although citizen complaints are important, they do ebb and flow with the level of activity in the ►



Contracting can also provide real cost savings, as townships can avoid having to purchase the equipment, training, and other fixed costs necessary to create their own department.

township. If complaints are occurring at a consistently high level, immediate action may be necessary. However, it is more likely that the township board will sense a growing concern among residents over time.

Other townships may find that budgetary concerns are the primary driver for researching new ways to provide service. For townships with their own departments, variability in operating costs may limit planning efforts or interfere with the budget process. Units of government involved in contracts may worry about measuring performance. Officials and citizens may wish to see if there is a better deal available. If a sense of dissatisfaction is growing based on either safety concerns or budget problems, this is the time to begin an organized assessment of need.

Option 1: Record Citizen Complaints

A log of citizen complaints can be beneficial for all townships. It is simple, inexpensive, and can provide information to township officials without raising any unnecessary red flags. The log may include general complaints about service levels and quality, or complaints relating to specific events. Complaints should be cate-

gorized in an appropriate manner (i.e., traffic complaints, criminal activity, nuisance complaints, etc.) The complaint log should be properly managed for an extended period of time to provide useful information to the township board. Employees should be properly trained and aware of procedures for filing complaints in the database. Creating a log allows board members to have a better grasp on the situation under “normal” operating conditions.

Option 2: Police Department Data

If information indicates that police services are not meeting citizen demand, data may be gathered from the county sheriff or state police. Initially, you may want to ask for more easily assessable information such as the number of violations, accidents, and criminal activities in the township. However, if this data indicates a problem as well, deeper analysis will be necessary.

Trend analysis may prove useful in determining if total activity has been increasing, or if the problem is an isolated event. The pattern of traffic accidents is one example. Explore the location of accidents in the township as well as the number of deaths and injuries and the amount of property damage that occurred as a result.

Option 3: Citizen Surveys

A survey of township residents may prove very useful when combined with police department data. Surveys must be based on a scientifically selected sample. When done properly, a survey can provide valuable information about how residents feel about both the quality and quantity of police services. However, before relying too heavily on this information, officials and stakeholders should be aware of potential problems.

If a recent event has taken place that necessitated police involvement, responses may not reflect the adequacy of services during normal operating conditions. News of events in or near the township may also color responses. The scope of the sample group must also be considered. In small townships in particular, the sample should include residents who have utilized police services, as well as those who have not.

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A New Direction for Niles Charter Township

In 2006, after 40 years of operation, **Niles Charter Township** (Berrien Co.) disbanded its police department and contracted for police services with the county sheriff. According to **Treasurer Jim Ringler**, the department started with one officer and grew to a high of nine—without a dedicated millage. By 1996, the department was down to six full-time employees and a police chief.



Ringler cited two main reasons for disbanding the department: (1) skyrocketing operational costs; and (2) a lack of resources to efficiently and effectively deliver quality service. “As the quality diminishes, so do the odds of getting voter approval to fund those services, no matter what promises are made,” Ringler said. After a total of four millage attempts to secure dedicated funding, it became obvious that the voters were not willing to fund existing police operations.

In 2000, a consultant, who the township had hired to examine the issue, reported several deficiencies and concluded that a larger force *was* necessary. The consultant offered three options: (1) provide the financial resources necessary to generate efficiency in the department; (2) disband and contract with another unit of government; or (3) disband and rely on state/county resources

with no contract. Consequently, the township attempted its third try at an extra-voted millage, which was also defeated.

Although the township researched the possibility of working with the state and county to improve services and manage the department, these options did not receive enough support to go forward, according to Ringler. Meanwhile, the department shifted from full- to part-time officers, hoping to control expenses. A final millage was put before the voters in 2005. After its defeat, the board decided to disband the department and signed a contract with the county for police services beginning in January 2006.

Ringler has only positive comments regarding the new contract with the Berrien County Sheriff’s Department. “It’s all about attitude and delivering quality services; that’s what citizens want and expect,” Ringler said. He noted, however, that the contract couldn’t continue indefinitely without dedicated millage funding, as it represents a significant portion of the township’s general fund expenditures. But before asking voters to support a millage, according to Ringler, the board felt it necessary to show constituents how quality services can be delivered. A millage request is likely to appear on the 2008 ballot.

To Contract or Not to Contract in Northern Macomb



The Macomb County Sheriff offers two forms of police protection contracts to townships within the county. The Law Enforcement Service (LES) contract provides designated police services to residents, while the Ordinance Enforcement Service (OES) contract merely authorizes county officers to enforce township ordinances. OES contracts are relatively inexpensive, around \$5,000, and have no service level requirements. This form of protection is usually sufficient for rural areas with little demand for police services.

Only four townships in Macomb County hold OES contracts. Most townships in the southern portion of the county have their own departments. The central townships of **Washington**, **Lenox**, **Harrison Charter**, and **Macomb** have LES contracts, which cost several hundred thousand dollars. The remaining northern townships of **Bruce**, **Armada**, **Richmond**, and **Ray** rely on their OES contracts and the Michigan State Police Department for protection. This type of approach is satisfactory for both the county and townships as long as the areas have low demand for police officers.

According to statements made by Macomb County Sheriff Mark Hackel, recent suburbanization in the northern townships has necessitated a change in how police services are delivered. In December of 2005, he announced that due to a potential budget cut, he would be reducing the amount of patrols in the northern end of the county from 15 officers to nine. He visited the affected townships to explain the situation. In simple terms, the cost of providing service to the four townships is approximately \$1.5 million per year, and he was going to have to redistribute some of those resources to others in need. A representative of the Macomb County Sheriff's Department stated at a Bruce Township Board meeting that without additional funding, patrols might one day cease entirely.

The statements made by the county sheriff sparked immediate concern among citizens. Supervisors began receiving calls asking if they

were still going to have police protection in the township. The Michigan State Police Department ensured the townships that they would do their best to provide protection to anyone in need. Surprisingly, citizen outcry seemed to taper quickly.

Reaction to the potential change varied amongst each individual township board. In Ray Township, **Supervisor Charles Bohm** discussed the issue in his second quarter newsletter. He advised citizens to contact the state police if they were dissatisfied with the sheriff's services. He also noted that citizens could initiate a petition for a local millage. So far, he says that he hasn't gotten any complaints, or heard of any efforts towards a millage. The level of patrol, he noted, has even seemed to increase. In March 2006, the board approved a motion to renew the \$5,000 OES contract. Supervisor Bohm called this a kind of "wait and see" strategy.

Bruce and Armada Townships have made similar decisions. Assurance by the state police that they would respond to those in need has quieted concerns, at least for now. These two townships do not wish to request a dedicated millage to pay for a LES contract, and don't feel that such a step is necessary at this time. The lack of citizen complaints, and the close proximity to state and county police stations, does not indicate that immediate action is necessary.

The fourth township, Richmond, has taken a different approach, but reached the same conclusion. The board has been proactive in examining the issue. Upon learning that the county planned to not renew their OES contract, **Treasurer Dianne Jasak** brought the issue to the board. The board agreed to explore cooperative solutions with other communities. Neighboring Lenox Township offered to share an officer with Richmond. This option seemed viable based on an already existing cooperative effort to provide Emergency Medical Services. The City of Memphis (MI) also made a presentation about providing police services.

To the board's surprise, a new OES contract "showed up in the mail." This development, when combined with the lack of citizen involvement at meetings, seemed to demonstrate that it was not the appropriate time to ask residents for additional millage. Although it was noted that this issue may become pertinent again in the near future, the board voted to take no further action.

The options available to rural and suburban townships are limited in this type of situation. Voter approval for additional millage is unlikely, yet the county has discretion to cut services to non-contracting areas as they deem necessary. The "wait and see" approach allows townships to hold off action until there is a clear and present need. The proactive approach is more involved, and as demonstrated here, may lead to the same decision. However, the information gathered should not be seen as time wasted, as townships will be more prepared if these issues appear again.

Surveys should be completed with some degree of professional help. This does not necessarily need to be a private consulting company. You may want to seek assistance from a local college or university. If your township has chosen to undertake a survey, getting it right the first time will be well worth the investment.

Option 4: Public Hearings

Special meetings, or simply a dedicated portion of a regular meeting, can give citizens a chance to publicly discuss their opinions regarding police protection. Interaction with citizens can allow township officials to have one-on-one conversations with those who have utilized police resources. The drawbacks of public hearings are similar to those of surveys. Attendees may have an overly negative opinion based on an isolated event. Similarly, residents with a gripe may be more likely to attend such a meeting. Citizens who are satisfied may not choose to attend.

Getting a handle on citizen demand is not easy. The presence of angry citizens at a meeting may seem to indicate that there is a serious problem. However, does the lack of citizen involvement at the meeting show that they are satisfied with service? These are questions that township boards must consider.

Option 5: Hire a Consultant

Consulting firms can provide accurate, non-biased information about a situation. Although this may be a viable option for some

communities, it is important to weight the potential costs and benefits of such a study. Townships should first examine the issue to the extent they are able. Substantial amounts of time and money must be invested in undertaking and interpreting a consultant's research. If a preliminary analysis shows that immediate action is unnecessary, a lengthy study may not prove useful.

After the necessary data has been gathered, the township board may conclude that current service levels are acceptable. Do not interpret this as failure, and do not forget the work you have done. Create a methodology for monitoring future need. Your research can serve as a solid base for comparison. If you determine that improvements are necessary, involved parties must examine various ways in which changes can be made. Education can allow township boards to avoid the common pitfalls of dealing with such an emotional issue. Productive conversations between citizens and officials about various strategies will help minimize concern and maximize efficiency.

OPTIONS FOR PROVIDING POLICE SERVICES

Although the ways in which townships deliver police services vary, the options fall into two basic categories: production and provision. A township has the choice to become a *producer* of police services or to *provide* the service in another manner. Producers generate the service or good themselves or jointly with another ▶

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unit of government. Providers deliver services to their residents by entering into a contract or relying on other levels of government such as county or state police. According to 2002 data collected by the Michigan Townships Association, most townships providing additional police services did so through a contract with another unit of government.

Townships that cannot afford MCOLES training should seek other alternatives.

A township should not become so attached to its chosen strategy as to miss opportunities to improve quality or save money. Whatever the current method of delivery, if citizen demand or budget concerns have shown that a change is necessary, officials must look beyond the status quo. They must seek innovative ways to improve the situation. This may translate to creating efficiency in the current system, or scrapping the system altogether and trying something new. As previously noted, public safety can be an emotional issue. Each township must decide what options have the best potential given current circumstances.

Production

Both general and charter townships have statutory authority to create their own police departments (Public Act 246 of 1945).



Self-producers may become attached to the very existence of a police department. It can become a sense of community pride.

Photo credit: Sgt. Randy King, Meridian Charter Township Police Department

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A township police department must be comprised of no less than one full-time employee if it is to enforce state laws. In the case of charter townships, this is also the minimum amount of police protection that provides exemption from annexation. The authorization to enforce state law, in addition to local ordinances, is a privilege that was once denied township officers. To fulfill this role, township officers must meet qualifying requirements of the Michigan Commission on Law Enforcement Officer Standards (MCOLES). The Michigan Department of State Police administers these standards.

Some townships have chosen to avoid these standards by adopting state laws as local ordinances. In this way, township officers are legally able to enforce state law. However, this option may lead to expensive legal battles relating to officer training. Townships that cannot afford MCOLES training should seek other alternatives. The county sheriff or a neighboring community might be a better use for money that might otherwise be spent in court.

Self-producers may become attached to the very existence of a police department. It can become a sense of community pride. However, if other services suffer due to the cost of police services, or if citizens are unhappy with safety levels, evaluation is necessary. The **Niles Charter Township** (Berrien Co.) Board recently voted to disband their department and enter into a contract with the county. The case study on page 19 offers more information about the steps taken by the township to review the situation and evaluate solutions.



Whatever the current method of delivery, if citizen demand or budget concerns have shown that a change is necessary, officials must look beyond the status quo.

Townships in Michigan may also choose to produce police protection by working jointly with another community, using one of two organizational forms. The Urban Cooperation Act (Public Act 7 of 1967) allows two or more units of government, including cities, counties, townships, or charter townships, to work together to do that which each can legally do separately. For example, **Parma Township** (Jackson Co.) and **Sandstone Charter Township** (Jackson Co.) jointly provide police protection under PA 7. Each is legally granted the authority to have their own department by PA 246 of 1945, thus they are able to cooperate under this law. Contributions are made to the department using public funds collected within each jurisdiction.

Townships may also choose to jointly create a police authority. Public Act 57 of 1988 allows for two or more units of government to create an incorporated authority for the purpose of providing emergency services. Emergency services are defined as fire protec-

tion, emergency medical services, or police protection. Upon incorporating, the authority has the power to sue and be sued, and also to tax citizens within the boundaries set in the articles of incorporation. **Sims Township** (Arenac Co.) and the City of Au Gres have formed a police authority under this act.

Provision

When choosing to provide police services, rather than produce them, a township can either contract for services with another city or township or with the county sheriff. Most townships choose to contract with the sheriff, but there are other options. A township, or townships acting together, may contract with an adjacent township, village, or city.

Contracting has several advantages. Townships that provide designated police service for the first time may find that they only need a minimal amount of additional patrols. Contracts afford them the ability to modify this level as it varies. The township may choose to purchase service for periods of high demand, such as the morning rush hour. Contracting can also provide real cost savings, as townships can avoid having to purchase the equipment, training, and other fixed costs necessary to create their own department. While there can be disadvantages to purchasing any service from an outside source, for many townships it is the appropriate option.

Regardless of the situation, townships have options when considering changes to the provision of police protection in the community. Each option should be researched and carefully weighed to ensure the best use of resources and most effective service is provided to citizens.

Lena Stevens, Visiting Specialist, and **Eric Scorson**, Ph.D., Extension Specialist and Faculty Member, State and Local Government Program, Michigan State University



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