



MICHIGAN SHERIFFS' ASSOCIATION

EDUCATIONAL SERVICES, INC.

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Sheriffs:

December 15, 2022

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Mason County

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Michigan House of Representatives

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P.O. Box 30014
Lansing, MI 48909-7514

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Kalamazoo County

Re: Matters of Legislative Concern to the Michigan Sheriffs' Association (MSA)

Secretary/Treasurer
Rick Fuller
Kalamazoo County
District IV Director

Dear Speaker Tate:

First, please accept the congratulations of the MSA on your recent election to the position of Speaker of the House of Representatives. This is an incredible accomplishment, one that we feel is very well deserved. We look forward to our continued relationship. We have valued your support in the past, and we are extremely pleased that you will allow us the opportunity to give voice to the concerns of law enforcement in general and to those of the MSA in particular.

District I Director
Ed Oswald
Delta County

As we move into the next legislative session, we are aware that varying constituencies will be advancing a multitude of legislative matters and requests to the leadership in both legislative chambers. As such, we feel very fortunate that you have given us with an opportunity to meet with you, so that we may make you aware of some of our legislative concerns.

District V Director
Brian BeGole
Shiawassee County

The MSA has established the following list of priorities that it is hoping to address in this coming session:

District III Director
Michael Poulin
Muskegon County

New Sheriffs' Representative
Troy Goodnough
Monroe County

1. Pensions: In order to provide county sheriffs with a means of countering the recruiting and retention problems they are facing, the MSA is seeking to eliminate the current 1,000hour/year limitation that is placed on a retired individual that is seeking to be re-employed by the sheriff's office from which he/she retired. This would require an amendment to

MCL46.12a: <https://www.legislature.mi.gov/15/inb046eqwv33zuy1kwdm5j/mileg.aspx?page=getobject&objectname=mcl-46-12a>

By way of validation, the Municipal Employees Retirement System of Michigan (MERS), has just instituted a 5-year waiver on the 1,000-hour cap/year on its membership. Please see: [Rehire Retiree Guidelines - Waiver Extended through 2027 - MERS](#)
[| Municipal Employees' Retirement System of Michigan \(mersofmich.com\)](http://www.mersofmich.com)

CEO/Executive Director
Matt Saxton

Deputy Director
Daniel Pfannes

Of Counsel
Kristen Baiardi

Legislative Representative
Ben Bodkin

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2. Open Carry of Firearms in Sheriff's Offices and Police Stations: The MSA is seeking an amend MCL 123.1103 to allow local units of government to ban the open carry of firearms, both pistols and rifles, in and around law enforcement buildings. This is very similar to SB352 that was advanced in the current legislative session. See: [https://www.legislature.mi.gov/\(S\(gctbzvbybqzupmzzen4ereih\)\)/mileg.aspx?page=getObject&objectName=2021-SB-0352](https://www.legislature.mi.gov/(S(gctbzvbybqzupmzzen4ereih))/mileg.aspx?page=getObject&objectName=2021-SB-0352)
3. ACT 312 Collective Bargaining Rights for Local Corrections Officers: The MSA is seeking to amend MCL 423.232 to grant these rights in the same manner as was proposed in SB485 of the current session: [https://www.legislature.mi.gov/\(S\(ziwku1n3exr2sfd11epxuv0s\)\)/mileg.aspx?page=getobject&objectname=2021-SB-0485&query=on](https://www.legislature.mi.gov/(S(ziwku1n3exr2sfd11epxuv0s))/mileg.aspx?page=getobject&objectname=2021-SB-0485&query=on)
4. Cost Recovery/Tuition Reimbursement: The MSA is seeking the enactment of a forgivable loan program that will be made available to employees that attend police academies to become licensed police officers. This would provide for a 5-year pro-rated claw-back from employees that separate service with their original employer, such as the Detroit Police Department, to obtain employment with another police agency. Similar proposals were advanced in this current session in SB375 and HB5130: See: [https://www.legislature.mi.gov/\(S\(ziwku1n3exr2sfd11epxuv0s\)\)/mileg.aspx?page=getobject&objectname=2021-SB-0375&query=on](https://www.legislature.mi.gov/(S(ziwku1n3exr2sfd11epxuv0s))/mileg.aspx?page=getobject&objectname=2021-SB-0375&query=on) and [https://www.legislature.mi.gov/\(S\(ziwku1n3exr2sfd11epxuv0s\)\)/mileg.aspx?page=getobject&objectname=2021-HB-5130&query=on](https://www.legislature.mi.gov/(S(ziwku1n3exr2sfd11epxuv0s))/mileg.aspx?page=getobject&objectname=2021-HB-5130&query=on)
5. Juvenile Transport: The MSA is seeking to allow the transportation of specific adult and juvenile offenders, that were co-defendants in the same criminal transaction, from the scene of an arrest to a police station/sheriff's office. This would help to conserve police resources since it would not require two separate officers and vehicles to make the transports. HB 4877, from the current session would have enabled this. [https://www.legislature.mi.gov/\(S\(ziwku1n3exr2sfd11epxuv0s\)\)/mileg.aspx?page=getobject&objectname=2021-HB-4877&query=on](https://www.legislature.mi.gov/(S(ziwku1n3exr2sfd11epxuv0s))/mileg.aspx?page=getobject&objectname=2021-HB-4877&query=on)
It should be noted that changes that had been advanced by Representatives Carter and Yancey were incorporated into this bill.
6. Separation From Law Enforcement Service Reporting: The MSA is seeking an amendment that would require: (1) sheriff's offices to report the reasons that a certified local corrections officer separated from employment, and (2) individuals seeking employment as a local corrections officer to sign a hold-harmless waiver and a consent form allowing their former employer to release their personnel file inclusive of the reasons the former employee separated service.
7. Allowing Non-MCOLES Licensed Police Officers to Enforce ATV laws. Currently, non-MCOLES licensed deputy sheriffs are statutorily empowered to enforce both marine and snowmobile laws. MSA is seeking a legislative change to enable the same officers to enforce ATV laws. SB1003, which was introduced this session would have enabled this to happen. See: [https://www.legislature.mi.gov/\(S\(ue2iyn5eslsy2p1lqsoef1rd\)\)/mileg.aspx?page=getObject&objectName=2022-SB-1003](https://www.legislature.mi.gov/(S(ue2iyn5eslsy2p1lqsoef1rd))/mileg.aspx?page=getObject&objectName=2022-SB-1003)
8. Active Bystander for Law Enforcement (ABLE) Training: The MSA is seeking to attain funding for programs designed to educate police and local corrections officers on strategies and tactics that can be employed to intervene in situations involving a fellow officer that is engaging in conduct involving excessive force or the violation of another

individual's constitutional rights. The MSA supports the concept of intervention and sees this as a way to further improve and professionalize law enforcement.

9. Full Reimbursement for Delayed Inmate Acceptance by the Michigan Department of Corrections (MDOC): During the Covid-19 Pandemic, the MDOC instituted internal rules that allowed them to temporarily refuse to abide by the order of a court assigning convicted and sentenced defendants to the custody of the MDOC. As a result, sheriff's offices were forced to temporarily prolong the detention of these inmates in the county jail. This resulted in continued cost to the county and to an attendant risk management burden. The MDOC provided reimbursement at a rate that was well below the actual per diem cost being incurred by counties. The MSA seeks legislation that would require the MDOC to reimburse sheriff's offices at the actual per diem rate.
10. Mental Health Practitioners Being Embedded in with Law Enforcement Personnel: The MSA is seeking funding to enable mental health practitioners to be able to respond with the police to incidents involving an individual that is experiencing a mental health crisis.

The MSA also has concern that future legislative proposals will seek to advance issues related to *Criminal Justice Reform*. The MSA is fully supportive of any measures that seek to advance *Criminal Justice Improvement*, but as it has publicly stated on numerous occasions, it does not support *Reform* measures that it believes will adversely affect public safety. It is with that thought in mind that the MSA wishes for you to be aware of its position on the following matters:

1. MSA does not support bail reform efforts that are based on the presumption that nearly all charged defendants should be released on their personal recognizance. MSA supports a cash bail system that requires the use of a court-chosen, evidence-based, risk assessment tool that will enable judges to make an informed metrics-based decision as to whether to order a cash or personal recognizance bond. These elected judges should also be allowed to order an outcome that differs from the recommendation of the assessment tool, provide they establish their reasoning for doing so in the court record.
2. MSA does not support legislative efforts at implementing programs designed to enable offenders to gain further reductions in their court ordered minimum sentences. The MSA supports Truth in Sentencing and the corresponding comfort and certainty that it provides to victims and their families.
3. MSA generally supports the recently submitted report of the Juvenile Justice Task Force, but it reserves the right to review and take positions on individual issues in the report and in any introduced bills. Further it encourages the state to address the lack of access to juvenile beds in secure facilities.

In addition, the MSA has a myriad of concerns involving attempts to legislatively create *Police Reform*. These concerns include, but are not limited to the following:

1. Governmental Immunity and efforts to eliminate it all together or to reduce its protections
2. Establishing an affirmative duty to intervene for police officers
3. Creating and maintaining a public list of an officer's complaints and/or infractions

4. Regulating administrative interviews of police officers
5. Mandating citizens' oversight committees
6. Banning chokeholds (Note: Per US DOJ standards, chokeholds are currently prohibited except in instances of *last resort* when the use of *deadly force* is legally justified.)
7. Processing of anonymous complaints against the police
8. No Knock Warrants and/or the legislative attempts to regulate tactics used by the police during the service of judicially authorized search warrants (Note: No Knock Warrants are not currently legal in Michigan)
9. Mandating the police to wear body worn cameras

This past session, several bills covering those very topics were introduced. In general, the MSA was not supportive of them as they stood in their original form. By and large, the MSA has the same view of *Police Reform* as it does for *Criminal Justice Reform*. The MSA will not support initiatives that will undoubtedly negatively affect the delivery of service and on the attendant issues of recruitment and retention. The MSA will, however, support measures that will positively affect public safety.

Again, congratulations on your well-deserved elevation to the position of Speaker of the House of Representatives. The MSA looks forward to our continued interactions with you on all of the identified issues and will always be willing to engage in discussions on any matter of concern or interest to you or other legislators.

Sincerely,

Matt Saxton, Executive Director
Michigan Sheriffs' Association