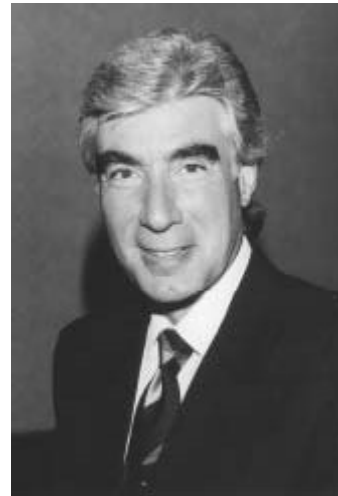


County Sheriff Road Patrol Requirements

Due to increasing budgetary concerns throughout the State of Michigan, many Counties have inquired into the Sheriff's requirement to provide road patrol services.



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The Michigan Court of Appeals, in *Brownstown Twp v Wayne County*, 68 Mich App 244, 251 (1976) stated:

Our review of the authorities leads us to hold that *neither the common law nor Michigan statutory authority impose a duty on the sheriff to supply a full-time road patrol on all county roads and highways...*All that is minimally required is that the sheriff exercise reasonable diligence to (1) keep abreast of those areas inadequately policed, which may require limited vigilance, (2) monitor criminal activity or unusual conditions in the county, and (3) respond professionally to calls for assistance from the citizenry. 0(emphasis added).

The Legislature several years later enacted Act 416 of 1978, MCL 51.76 et seq, which permits counties to seek state funding for road patrol functions, excluding those areas containing either a city or a village. These functions are required to be performed by the Sheriff to the extent that the Sheriff obtains state funding for the additional services. These duties, found in MCL 51.76(2) are:

- (a) Patrolling and monitoring traffic violations;
- (b) Enforcing the criminal laws of this state, violations of which are observed by or brought to the attention of the sheriff's department while providing the patrolling and monitoring required by this subsection;
- (c) Investigating accidents involving motor vehicles;
- (d) Providing emergency assistance to persons on or near a highway or road patrolled and monitored as required by this subsection.

The funding provision of Act 416, being MCL 51.77(3) states that, "[t]he sheriff's department of a county is required to provide the expanded services described in Section 76 only to the extent that state funds are provided."

Therefore, unless the Sheriff obtains state funds for additional patrol services, the Sheriff's duty to conduct road patrol is unchanged from the Brownstown ruling. See also *County of Oakland v State of Mich*, 432 Mich 49; 438 NW2d 61 (1989). Counties should bear in mind that Sheriffs must perform certain constitutionally mandated functions. Some mandated functions of Michigan Sheriffs include:

- Transport of prisoners to and from Courts. MCL 51.75.

- To the extent funded by the state, patrolling and monitoring traffic violations on County primary roads and County local roads (outside cities and villages), and on roads in County parks. MCL 51.76(2)(a).
- To the extent funded by the state, enforcing the criminal laws of the state while providing the patrolling and monitoring of traffic. MCL 51.76(2)(b).
- To the extent funded by the state, investigating accidents involving motor vehicles on County primary roads and County local roads (outside cities and villages), and in County parks. MCL 51.76(2)(c).
- To the extent funded by the state, providing emergency assistance to persons on or near a highway or road patrolled or monitored by the Sheriff. MCL 51.76(2)(d).
- Recovery of drowned bodies outside of cities. MCL 51.301.
- Attend the circuit court, probate court, and district court sessions, when requested by these courts. MCL 600.581.

Further, MCL 41.181 provides that townships may require Sheriffs to provide police protection to the township contingent upon the township funding these services. MCL 41.181(1) states: 'The sheriff, department of state police, or other local law enforcement agency shall, if called upon, provide special police protection for the township and enforce local township ordinances to the extent that township funds are appropriated for the enforcement.' See also Capitol City Lodge No 141 v Meridian Twp, 90 Mich App 533 (1979).

Any proposed reductions in road patrol services should be reviewed with legal counsel to ensure grant funding is not violated, mandated functions of the Sheriff are able to be performed, as well as reviewing the requirements of applicable personnel policies, employment contracts, and collective bargaining agreements.

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