

POLICE SERVICES STEERING COMMITTEE

Wednesday August 6, 2008

4:30pm – 6:00pm

200 North Main, Ann Arbor

Members Present:

Paul Bunten	Chief of Police Saline
Jeff Irwin	County Commissioner, Chair of Board
Pat Kelly	Dexter Township
Karen Lovejoy Roe	County Commissioner
Herb Mahony, Designee	County Under Sheriff
William McFarlane	Superior Township
Mark Ouimet	County Commissioner
Kenneth Schwartz	County Commissioner

Members Absent: Ruth Ann Jamnick, Dan Minzey, Michael Moran, Brenda Stumbo, Kenneth Unterbrink, Patricia Vaillencourt

Staff Present: Mary O’Hare (Facilitator), David Behen, Scott Patton, Linda Wicks (Recording Secretary)

Sheriff Leadership Present: Lt. Jim Anuszkiewicz, Lt. Dieter Heren

Others Present: Mike Radzik

1. Call to Order

The meeting was called to order by Facilitator O’Hare, 4:45 pm, at the Washtenaw County Building, 200 North Main, lower level conference room.

2. Approval of Minutes

Kelly and Mahony moved for approval of the June 4, 2008, Police Services Steering Committee meeting minutes; Ouimet and Bunten seconded; all in favor.

3. Citizen Participation

None.

4. Committee Check-In

None.

5. Update on Workshop for Local Units

O’Hare reported that the July 31 Local Units Police Services Workshop had been canceled, due to low registration. Cancellation information was sent out to the local jurisdictions, with no negative feedback received. O’Hare stated that this Local Units Police Services Workshop has been rescheduled for **Thursday, September 18**, 9am-12pm, in the MSU conference room at 705 North Zeeb, Ann Arbor.

6. Adoption of Recommended Policies

Mahony presented the draft policy on “*Court Time and Shift Coverage*”. It was noted that this policy has been assigned a new number of *PSSC 08-03* (previously *PSSC 08-02*).

Mahony presented a question that had been raised: “If a community that does not backfill has a court case where another jurisdiction’s on-duty *Deputy* has to appear in court for them, would this community that does not backfill

still need to pay for any overtime associated with backfilling time while the *Deputy* is in Court and gone from their current jurisdiction?” Mahony indicated that the community would be billed for the backfill time, even if the community would not normally backfill their own vacancy.

Mahony also shared a scenario in which a Deputy goes into a non-contracting jurisdiction and a court case develops; indicating that the County will be billed for this overtime.

O’Hare inquired about the language under “**Policy General,**” noting that *PSSC* members had requested the pronouns in this to be clarified, to remove any ambiguity about which jurisdiction is being referenced. O’Hare noted the specific wording “*Any overtime or regular time costs associated with a court case originating out of a contracting jurisdiction will be the responsibility of that jurisdiction*” – indicating the need to clarify what the “**that**” refers to. This wording was amended to read “...will be the responsibility of *the jurisdiction in which the case originated*”.

Irwin requested clarification regarding Article “**B**” under “**Court Regular Time,**” inquiring if there is any discretion on behalf of the contracting entities regarding whether their deputies are leaving or not to cover court time, or whether or not the jurisdictions are charged at the overtime vs. regular time rate. He noted his concern that there could come a point at which a jurisdiction’s “discretion” could impact another jurisdiction’s billing. Mahony stated that the idea behind Article B is either to “have the community reciprocate by sending a Deputy over while their Deputy is in Court, or to fill it with overtime”, at the discretion of the jurisdiction providing this backfill, within the confines of the protocol that has been established.

Radzik restated his prior inquiry about the practical application of the policy, asking how you can schedule and implement for this coverage and how you can force a Deputy to come in for an overtime shift when you don’t know how long it will last. Mahony noted that often the on-duty supervisor will handle calls while the *Deputy* is out of the area for Court.

Mahony stated that about 2/3 of Court time is on overtime, because very little of the court trial cases end up with day shift deputies – most occur on afternoons or midnights.

O’Hare asked if the policy, as written, is general enough that it would allow for flexibility to meet specific case situations.

Kelly moved to approve Policy *PSSC 08-03 “Court Time and Shift Coverage”* as amended with the Policy General clarification; Ouimet second; all in favor. O’Hare noted that this policy will be posted on the *PSSC* Website.

7. Discussion and Recommendation: Policy 08-01 Application (Payment Responsibility for Recruit Overtime and Court Time)

O’Hare stated that Ypsilanti Township has followed the appropriate procedures for an invoice dispute; paying the bill and then formally submitting a letter to County Administration questioning the invoice and the policy implementation. Per policy, this dispute letter has now been forwarded to the *PSSC* for review and recommendation.

Radzik outlined the Ypsilanti Township billing dispute, indicating that it is an issue of overtime expenses for a Step One thru Four Recruit Deputy. Radzik noted that *Policy PSSC 08-01* states that Recruits are not patrol assets, and are not to be used towards contractual obligations. He indicated that Ypsilanti Township has received a number of overtime expenses for Steps One thru Four Recruits, who were riding with Field Training Officers in the Township. He stated that they were not contractual resources, and were not being charged for regular shift time, but when their shift ended and they were held over with their FTO, because the case or report writing took longer than their shift, then their overtime costs were billed. He indicated a similar overtime charge for Recruits that attended Court. Radzik noted that for a two month period it was a relatively low amount of money – about \$2,000 – but that it could add up, and could present future issues going forward. He noted that Superior Township had a similar situation, being charged for Recruit Overtime. He restated the basic argument as being if a Recruit Step One thru Four is not a contractual patrol resource during their regular shift, why would they suddenly become a resource at Township

expense when it goes beyond their regular hours? He noted that, unlike other overtime, the Township does not have a choice where Recruits are assigned, and no control or authority to approve or not their overtime. He further clarified that once a Recruit is at Step Five, he would agree that they are clearly billable.

O'Hare stated the need to separate out the policy issue to be discussed here at the *PSSC*.

Kelly suggested that there could be a differential between a Recruit being held overtime to work on a case, and Recruit overtime for a court case. Patton noted that Policy *PSSC 08-01* adopted by the *PSSC* speaks specifically as to Patrol Assets, not to Court. Mahony noted that if a Recruit is going to Court, they are doing so on behalf of that jurisdiction as having performed work in that township.

Kelly stated that she did not feel that a contracting jurisdiction should ever be in the position of having to pay twice for the same thing – that if a shift is extended to complete a case, they should not have to also pay for the Recruit to stay.

McFarlane suggested a shared resolution, with the County covering Recruit overtime costs for shift extensions, and the jurisdiction covering the Recruit overtime for time spent in Court, which does directly benefit the jurisdiction. Irwin concurred with this proposed solution, indicating that it presents a fair compromise – that the shift extension overtime would fall under the current Patrol Asset Policy, but that when it spills over to Court time this should be the responsibility of the contracting jurisdiction.

Irwin suggested a policy on General Fund Road Deployment should contain language indicating that FTO's be assigned to the General Fund positions when possible, providing maximum flexibility for the Sheriff's Office.

O'Hare summarized the *PSSC* recommendation to amend Policy *PSSC 08-01* to include the County paying for overtime for extended shift time, but not Court time. Mahony stated that he would draft an amendment to Policy *PSSC 08-01*, and will bring this back to the *PSSC* in September. Mahony indicated this information will then be communicated down to staff responsible for billing and implementation, and once the amendment is approved, appropriate adjustments will be made for Ypsilanti Township's billing.

O'Hare expressed appreciation to Ypsilanti Township for following the policy process, noting that this dispute has provided a good test of the process and that the amendment should both resolve the issue and add clarity for the future.

8. Adjournment

The meeting was adjourned by Facilitator O'Hare at 5:35 pm.

Next Meeting:

Wednesday, September 3, 2008

4:30pm – 6:00pm

200 North Main, lower level conference room

Approved by Committee: 1 October 2008