



Deputy Sheriff's Association of Michigan

DSAM NEWS RELEASE FOR IMMEDIATE RELEASE:

"CLEAN SWEEP – DSAM PREVAILS IN COURT AGAINST THE SHERIFFS COORDINATING AND TRAINING COUNSEL"

Monday – January, 22, 2007

LANSING, MICHIGAN: The Deputy Sheriffs Association of Michigan has obtained a major lawsuit victory on behalf of the local corrections officers employed by the eighty-three county Sheriff's Departments across the State.

A State Court has ruled in favor of the DSAM on its lawsuit to prevent the inappropriate use of training funds – and in addition, the Court has issued a permanent injunction against the Sheriffs Coordinating and Training Council [SCTC].

The Court's decision and permanent injunction were issued on January 19, 2007, following a hearing in the Ingham Circuit Court. DSAM Legal Counsel Jamil Akhtar successfully argued that the SCTC was not following the statutory requirements contained in Public Acts 124 and 125 of 2003. The two Acts pertain to the awarding of training grants to the State's 83 Sheriff Departments.

In 2003, the Michigan Legislature set up a training fund through the State Department of Treasury, to provide much-needed funds to train local corrections officers.

The funding was to be provided through the payment of \$12.00 by each prisoner as a booking fee at the time of admittance to a county facility.

At the same time, the Sheriffs Coordinating and Training Council was created by the Legislature as an autonomous Council within the State's Department of Correction. The Council was to develop certification standards and to disburse training grants to those eligible counties, in a manner that was detailed by the statute.

These grants from the Council – which were to be used exclusively for the training of local corrections officers – were to be given only to those Sheriff Departments that contributed the entire \$12.00 prisoner booking fee to the SCTC.

County departments have the option of contributing only \$2.00 of each prisoner booking fee, and keeping the remaining \$10.00. The retained money, however, can only be used for training the County's corrections officers – not put into a department's general budget.

In the Spring of 2006, DSAM learned that none of the 83 counties had contributed the required \$12.00 booking fee – and that some counties have never forwarded any fees at all to the State.

The Council, however, intended to disregard the Legislature's guidelines, and issue grants to numerous counties who had ignored the statute – in effect, allowing those departments to “double-dip” into the training funds.

DSAM filed a lawsuit in the Ingham County Circuit Court in March, 2006, to prevent these prohibited disbursements. On January 19, 2007, the Ingham Circuit Court held a final hearing and agreed with the allegations and evidence presented by Attorney Akhtar in the DSAM lawsuit.

The Court issued an Order granting DSAM's Motion for Summary Disposition, meaning that final judgment will be entered in favor of DSAM. The Court also agreed to issue a **permanent injunction** against the Council, barring it from releasing any training funds to Sheriffs Departments that do not contribute the full \$12.00 fee to the State's training fund account.

A separate allegation of the lawsuit – that the Council had intentionally violated the Michigan Open Meetings Act, was settled in late 2006 by an out of court agreement in which the SCTC agreed to stop violating the Open Meeting Act and to pay DSAM attorney fees in accordance with the attorney fee provision of the OMA.

The final Court Order will be signed and entered by the Court at the end of January, and the Sheriffs Coordinating and Training Council then has twenty-one days to decide if it will attempt an appeal on any part of the Court's Order.

In the meantime, DSAM will immediately increase its efforts to bring all 83 counties within the training statute's requirements, in order to guarantee the training of all of the State's nearly 4,000 local corrections officers.

There was no monetary gain for DSAM in pursuing this litigation – the ultimate winners are the local corrections officers, whose professionalism will benefit from the proper use of the training grants.

DSAM encourages your questions and comments by contacting Executive Director, Larry Orłowski, at 517.702.2697.