

Who will pay for law enforcement in the county?

Showdown

by James Leonard

This is a story about money, crime, and power.

The county administrator wants to build a new jail—and when Bob Guenzel identifies a priority, he almost always finds a way to achieve it. But he's been stymied for nearly a decade, as voters turned down plan after plan to pay for it.

Now Guenzel and the Washtenaw County Board of Commissioners are locked in a high-stakes game of poker with township officials. The townships have refused to back down because they think they have an ace in the hole—county sheriff Dan Minzey.

It all came to a head on January 4. After months of tense negotiations, the commissioners authorized Guenzel to cut police services to three townships if their officials didn't sign a new contract within two weeks. Ypsilanti Township attorney Doug Winters replied, "We'll see you in court!"

How did it come to this? The immediate issue was the soaring cost of police protection. Like most other Washtenaw County municipalities, Ypsilanti Township pays the county sheriff to provide local police services—at a cost, last year, of nearly \$83,000 per deputy. Now Guenzel and the commissioners wanted a new four-year contract that would raise that amount to more than \$100,000 by 2007. Prices in the last two years were still being negotiated, but the county was blunt about wanting to recoup its full cost—which it put at \$180,000.

Guenzel wanted the money to expand the Washtenaw County Jail. Built to house 215 prisoners thirty-one years ago, the jail currently holds 360 inmates, and hundreds more are released early every year because there's no room. Yet three times since 1997, voters have turned down taxes to expand it.

The county jail is mandated by state law; county police services aren't. So last summer, the commissioners voted to take the money they're using to underwrite local law enforcement and use it to expand the jail instead.

The move infuriated voters and officials in the twenty-two villages and townships patrolled by sheriff's deputies. None



County administrator Bob Guenzel (left) and sheriff Dan Minzey (right) are at odds about how to pay for expanding the jail. (Center) New fees for police services prompted rural Sylvan Township to switch to state police patrols. That's not an option in Ypsilanti Township: Craig Harvey (above) is one of forty-seven deputies who police the county's second-largest municipality.

has more at stake than Ypsilanti Township. Its forty-seven deputies constitute the county's second-largest police force—and if the county is correct, the township is paying less than half the cost.

A lawsuit looks cheap in comparison.

"The sheriff is elected, but we pay the bill"

By double-bunking and filling in court-yards once used for exercise, the county has increased the capacity of the jail on Hogback Road to 332 inmates. Even so,

it's been overcrowded for at least a decade. In the last three years alone, 870 inmates have been released early to make room for more violent criminals.

Commander Kirk Filsinger keeps the worst offenders—the prisoners he describes as "hardcore shitheads"—in a separate cell block. Overcrowding has forced him to put the rest anywhere he can. He's got twenty-five low-security inmates in the gym, another eight in what used to be the exercise space in J block, and five of the forty-five female prisoners bunked out in

what was once a dining area in G block. And every month, another forty or fifty of Washtenaw County's least dangerous inmates are farmed out to jails in other counties.

Sheriff Dan Minzey, Filsinger's boss, says that expanding the jail is "absolutely necessary." The only question, he says, is "Where's the money going to come from?"

If the voters have anything to say about it, it won't come from additional taxes: three successive jail millages have been shot down in flames.

After the second defeat, in 2000, the county commissioners decided to look elsewhere in the budget for the money. They found it in the sheriff's department.

The commissioners approved two changes in the funding of police services. For the townships and villages that relied on the sheriff, the changes were enormous—and potentially catastrophic.

The first change was to eliminate free road patrols in nine rural townships, most of them in the western part of the county. Starting in 2001, the county announced, deputies would patrol there only if the townships covered the cost. The price per deputy would be the same as the rate charged to the communities that were already contracting for expensed police services.

The county's second change added insult to injury: the price of a deputy was about to shoot up. The county had done a cost study, and instead of \$70,000 a year, it now wanted \$109,000.

Municipalities that balked at paying the county's price had three other options: start their own police forces, go elsewhere for police services, or rely on the state police. As Scio Township found out, going elsewhere for police services cost even more than the county wanted—the Ann Arbor Police Department told Scio its price per officer per year was \$210,000.

Three western townships—Lima, Lyndon, and Sylvan—decided they'd rather take their chances with the state police than pay the county's price. Asked four years later how he likes relying on the state for police protection for the 3,200 people of Lima Township, supervisor Ken Unterbrink replies, "I feel wonderful. I would recommend it to everyone, but I'm sure there's not enough to go around." Unterbrink's right about that. There are cur-



Scio Township trustee Chuck Ream didn't believe county officials when they told him they don't jail marijuana users—so he's twice blocked plans to finance a bigger jail.

rently just twenty-one state police officers in the entire county—compared to ninety contracted sheriff's deputies.

To prevent more defections, the county finally agreed to keep the price at \$70,000. Fourteen townships and villages signed two-year contracts—seven of them for the first time. "The citizens were furious," recalls Manchester Village supervisor Jeff Wallace. "They figured they already paid their taxes to the county for the sheriff, and they didn't see why they had to pay them twice."

The 2000 election also saw Dan Minzey beat his former boss, Ron Schebil, for sheriff. As soon as he took office, Minzey says, he faced a crisis—he would soon have to replace ninety of his 300 deputies. Afraid it would be forced to lay off deputies if townships didn't contract for their services, the county had induced them to retire over an eighteen-month period. To replace them, Minzey had to bring in recruits, each of whom required five to six months of field training.

In the meantime, Minzey says, he filled shifts with his only available resource—the department's remaining deputies. By 2003, annual overtime pay for police services nearly doubled, to \$1.6 million.

The county told Minzey to cut that figure to \$1.4 million in 2004. Instead, he spent \$1.8 million. "The sheriff is elected, but we pay the bill," Guenzel complains. "He's not responsible, not accountable, not to the commissioners or to me, but directly to the citizens who elect him."

As overtime costs soared, the county again recalculated the cost of police services. Instead of looking at just the direct costs of a deputy, the new analysis factored in overhead and support services like the detective bureau and the K-9 team. It came up with a cost of \$180,000 per deputy per year—and that didn't count overtime.

Rather than risk mass defection, the county didn't try to impose the higher rate immediately. The two-year police-service contracts it offered in 2003 stipulated annual increases of 6 percent, with the county continuing to pay the rest. The townships questioned the numbers and didn't like the increases—but, once again, they signed because the alternatives seemed worse.

"They kicked our ass"

Two years ago, the state cut revenue-sharing payments. Washtenaw County lost \$8 million—nearly 10 percent of its budget—and eliminated 132 jobs. Yet the sheriff's spending continued to grow, to \$31.4 million—more than a third of the county's entire budget. Once again, the surplus the county hoped to generate for the jail failed to materialize.

Having already cut the rest of the budget, Guenzel says he and the commissioners saw only one solution: another jail millage. The proposed tax would raise \$200 million to expand the jail and pay its operating costs—but it also included \$84 million for support services and alternatives to keep people out of jail.

That commitment helped win endorsements from groups like the Shelter Association of Washtenaw County. But little was done to sell the tax directly to voters. Most conspicuously, county leaders didn't enlist the townships' aid. "We would have helped sell the millage," says Dexter Township supervisor Pat Kelly, "but we weren't asked for input until it was too late." Even Sheriff Minzey, whose jail it was, did little to promote the millage.

Minzey now says that he warned county officials it wouldn't pass: "I told them, 'Don't go to the public—they'll never approve it.'"

They didn't. With a 10 percent turnout, voters defeated the millage by an overwhelming 63 percent. In twenty-three rural municipalities, the no vote averaged 75 percent. Even Ypsilanti Township, which had the most to lose if the millage failed, rejected it by 58 percent. "Defeated?" Guenzel says. "They kicked our ass."

"We didn't do a good enough job of convincing the voters, obviously," Guenzel admits. "But it was the 'No Giant Jail' campaign from Chuck Ream that really did us in."

Ream had led the 2004 drive to legalize "medical marijuana" in Ann Arbor. Before the jail vote, Guenzel says, "Chuck came to me to negotiate supporting the millage if I could guarantee him that we wouldn't arrest people for marijuana."

"I told him I couldn't guarantee that—I don't make the laws. This didn't satisfy him, and he saw it as a wedge. 'No Giant Jail' were code words for 'no marijuana arrests.'"

Sheriff Minzey—a former narcotics agent—had a similar experience. "Chuck showed up at a public forum and asked me if anyone in the jail was there for using marijuana," Minzey recalls. "I don't really have room for people who are arrested for that kind of misdemeanor."

Ream says that he toured the jail before

pervisor Bob Little. "We in the townships don't think we need a Taj Mahal in a jail."

Little and others saw the jail issue as essentially an urban problem. "It's common knowledge that there are very few people in jail from outcounty and rural areas," says Lima Township's Unterbrink.

According to Filsinger, on a typical day the jail's population is divided roughly in quarters among the city of Ann Arbor, the city of Ypsilanti, Ypsilanti Township, and the rest of the county. The three urban areas account for about 55 percent of the county's population, so they do produce more prisoners per capita—but that doesn't mean that the rest of the county is crime free. On that typical day, Filsinger says, the jail houses about eighty inmates from outcounty.

"It's a question of who's going to pay"

Stymied once again by the voters, Guenzel went back to the board in April with the idea of selling \$30 million in bonds to pay for a smaller addition to the jail. To repay the bonds, Guenzel recalls, "I told them we have three alternatives: one, another millage; two, cut mandated services and health and human services; or, three, cut subsidies for the road patrol. After four months of mulling it over, the board of

If Ypsilanti Township had to pay full price for its police services, its costs would jump by \$3.9 million a year—or \$200 for every household in the township.



the millage campaign started but that Filsinger wouldn't let him ask prisoners the questions he wanted to. Filsinger remembers things rather differently. "He looked around a little bit," Filsinger says, "but he didn't really ask to see much. He just wanted to talk about legalizing marijuana."

So how many of Filsinger's prisoners are there for smoking pot? "None," he says. "I can't remember the last time we had one."

Ream remains unconvinced. "They say, 'Well, we don't have anybody,'" he says. "But I don't believe them."

Few shared Ream's obsession with persecuted potheads—but many agreed the county's plan was excessive. "It was just too big a bite," says Freedom Township su-

commissioners specifically recommended cutting the subsidies in August."

"Another millage would never have passed," explains Jeff Irwin, Ann Arbor Democrat and chair of the ways and means committee. "We can't touch mandated services, and nobody wanted to touch health and human services, so that left the sheriff's department. It was the right thing to do."

Mark Ouimet, one of the board's three Republicans, was one of four commissioners who voted against cutting the subsidies. He says that the board picked the sheriff's department because it was "the path of least resistance" and that the road patrol "is the last place we should be cutting." But when asked what services he

thought should be cut first, Ouimet won't specify any programs.

The county set up a steering committee to negotiate the new police-service rates. The committee's troubles started even before the first meeting, when Ypsilanti Township demanded more representatives. As a compromise, the committee agreed that both supervisor Ruth Ann Jamnick and clerk Brenda Stumbo could attend.

Stumbo wanted to keep an eye on Jamnick, a political rival she thought was too willing to compromise. "She's sending mixed messages to the county," Stumbo complains, "and there's no room for that on this issue." But according to another committee member, Stumbo ended up coming to only one meeting.

Jamnick also missed the first month's worth of meetings—but then she and the township's police liaison officer showed up loaded for bear. They began by questioning the county's price of \$180,000 per deputy plus overtime.

"Ypsilanti [Township] didn't trust us and they didn't believe us," Guenzel recalls. "They even asked to bring their auditors in, and we let them. But what they found out is that it's very expensive to put a deputy on road patrol—for every dollar it takes to put a deputy on the road, it takes another behind in support."

In addition to the costs, Ypsilanti and other townships questioned the timing. "The townships continued to express their concerns that these costs were going up too quickly," says Irwin. "So we said we'd agree to stretch them out if they'd agree to sign a four-year contract."

But then the extension itself became a sticking point. Though Irwin describes the longer term as a concession to the townships, Jamnick says that "it has never become clear why it had to be four years instead of two." Asked whether he thought the townships understood why they were presented with a four-year contract, Irwin responds bluntly: "They understood, all right—but a few communities decided they wanted to use the vague terms in the contract to bring this to a crisis."

Because the townships were reluctant to sign a contract before the costs for the last two years were set, the county added a clause that allowed them to opt out on six months' notice. But Ypsilanti Township viewed that concession skeptically, too. "They wanted us to sign the four-year contract because they knew those costs would be so high that we'd all opt out of police services," claims township treasurer Larry Doe. "That way, the county could get out of the police business."

"Bob Guenzel wants to get out of the police business," Stumbo concurs. "Every step is being taken to do just that."

"I categorically deny that," Guenzel replies. "It's not a question of public safety. It's a question of who's going to pay."

For Irwin, the problem is not with the county but with Ypsilanti Township: "The bottom line is they don't want to pay the higher price. They know they're getting a good deal."

In fact, they are. Ypsilanti Township paid \$4.5 million for road patrol in 2005, up from \$3.3 million in 2003. But policing still accounts for only 15 percent of the township budget—Pittsfield, which has its own police force, spends 25 percent. If Ypsilanti Township ever has to pay the county's full \$180,000 cost per deputy, its costs will jump by \$3.9 million a year—or \$200 for every household in the township.

And Ypsilanti Township needs police. "It is the most urban township we patrol, and we go there because that's where the most crime is," says Minzey. "There's more banks, more convenience stores,

Minzey's nonsupport helped sink the last jail millage, and his deputies just helped sink the most recent plan. Now he says the county has to persuade the townships to support a new millage.

more neighbor troubles, and, of course, more domestic abuse situations there."

The numbers bear Minzey out: Ypsilanti Township has 15 percent of the county's population but 27 percent of the jail's population. To make his message clear, Minzey says that without his deputies, the township's 50,000 residents would find themselves in "a state of lawless anarchy."

"Save Our Sheriff"

When the commissioners voted to issue bonds to pay for the jail expansion, they didn't reckon on Chuck Ream. State law provides no way for the public to overturn decisions by the board of commissioners—but it does give voters the right to prevent the county from borrowing money. In early September, Ream called a press conference at Scio Township's municipal building to announce a petition drive to force a public vote on the bonds.

Among those in attendance was retired Manchester Village resident Ken Rogge. Like Freedom's Bob Little, Rogge had opposed the "Taj Mahal" jail plan. Even the scaled-back version of the bonds would fund, he says, "was still too much." Like Unterbrink, Rogge also mistakenly believes that almost everyone in the county jail population comes from urban areas "and we shouldn't have to pay for their prisoners."

After the press conference, Ream asked Rogge to collect signatures in Manchester and Brenda Stumbo to, in her words, "coordinate the eastern part of the county." According to Stumbo, "Every board member circulated the petition. We decided the only way to stop the bond was to get behind Chuck."

Officials from Augusta and Salem townships also circulated the petition. So did sheriff's deputies—union president Harry Valentine publicly pledged 220 members to help with the effort. Minzey says that since state law forbids government employees from engaging in political activity on the job, "I made it very clear that it was not to be done on work time."

The "Save Our Sheriff" campaign gathered 21,140 signatures in just 21 days. By far the biggest single group, 4,755 signa-

tures, came from Ypsilanti Township. But all those signatures still needed to be verified—a process that would take months.

Meanwhile, the county set a deadline of December 1 to sign the new four-year contracts. Ten townships did. "We signed the four-year agreement even though we didn't know the [pricing] outcome for the last two years," says Bill McFarlane, Superior Township's supervisor. "We were sure we could resolve the issues in an equitable way."

Dexter Township supervisor Pat Kelly says she also recommended her board accept: with the opt-out clause, she explains,

"what I was asking them to sign was in effect only a six-month contract." Manchester Village manager Jeff Wallace says that though citizens were still furious with the county over the road patrol, "we signed because we had the six month opt-out—and because we didn't want to increase our cost by paying attorney fees."

But Ypsilanti, Augusta, and Salem townships resolutely refused to sign. When the county extended the deadline to December 31, the three townships sent their contracts back signed—but with all clauses pertaining to the four-year duration crossed out. "Doug Winters said that nobody in their right mind would sign such a contract," Larry Doe recalls.

The county declined to accept the modified contracts—Guenzel says that "it wouldn't be fair to the townships that did sign"—but again extended the deadline, this time to January 4. "I'm not interested in provoking a crisis," he says. "I just wish we had a contract."

Guenzel didn't get his wish. Although Minzey didn't attend any of the steering committee's meetings, he did appear at Ypsilanti Township's board meeting on December 20. There supervisor Jamnick asked him point blank what he would do if the county ordered him to stop patrolling their township. According to clerk Stumbo's minutes, "Sheriff Dan Minzey stated he planned on providing public safety for everyone, but it had become a battle and there were risks involved. Sheriff Minzey explained that he would fight for his people and the township, but he didn't want them to make a decision based on that, because he could lose."

Yet that's just what Ypsilanti Township did. Asked what the township's backup plan was if the county pulled its deputies, Stumbo replies, "Dan Minzey is our backup plan. He assured us that he would continue to provide services no matter what the county said or did."

On January 4 the county commissioners gave the township two more weeks to sign—and authorized Guenzel to cut services if it didn't. But township leaders didn't think the sheriff would let that happen.

They were mistaken. In fact, Guenzel and Minzey had already decided on a contingency plan if Ypsilanti Township didn't sign: they wouldn't leave the township without law enforcement, but they would slash staffing levels.

If that happened, Minzey warns, "response times may be huge. If there's a shooting, yes, of course. But if it's a domestic disturbance, it may be much, much longer, if at all."

Thwarted again

As good as his word, Doug Winters, now representing Augusta and Salem townships as well as Ypsilanti Township, filed suit in mid-January. On January 18, Monroe County circuit judge Joseph Costello Jr. ordered the county to continue to provide police services to all three townships until March 15.

By forestalling the county's threat to cut services, Costello's decision effectively gave the county another seven weeks to work things out with the three remaining townships. In February the steering committee presented several options for service in the final years of the contract, and Guenzel says he is "confident that a compromise will be reached before mid-March." But Winters says the townships he represents will not accept anything more than a two-year contract—pushing off the day of reckoning for two more years.

The same day Costello acted, the county clerk's office at last completed its review of the Save Our Sheriff petitions—and dramatically changed the situation. The clerk found 17,000 valid signatures—2,000 more than were needed to put the bond issue to a countywide referendum. Rather than face an election they knew they would lose, the commissioners voted to halt the planned bond sale.

Thwarted again, Guenzel says the board will now have to consider its options. The county is forming a committee to study a twenty-year facilities plan. Guenzel said it will issue its recommendations "probably by the end of the year."

Dan Minzey calls the board's decision "a good one." His "only concern" is that the county "won't take the next step to generate new tax dollars." Minzey, whose nonsupport helped sink the last jail millage and whose deputies just helped sink the most recent plan, now says the county has to "go to the townships and tell them that they have to have a new millage. Somebody's got to pay for the jail expansion."

Bob Guenzel can only agree. Asked whether the jail still needs to be expanded, he replies with a laugh, "The problem didn't go away. Overcrowding still occurs every week."

Two things remain certain. One: With most county commissioners coming from communities that have their own police forces, the townships can't change the political balance of power. The voters can block Guenzel on millages and bonds, but, slowly and surely, he is shifting the price of police protection onto those who use it. Two: The jail is still overcrowded, and sooner or later the county will have to do something about it. What the voters will permit remains to be seen.