



# State Notes

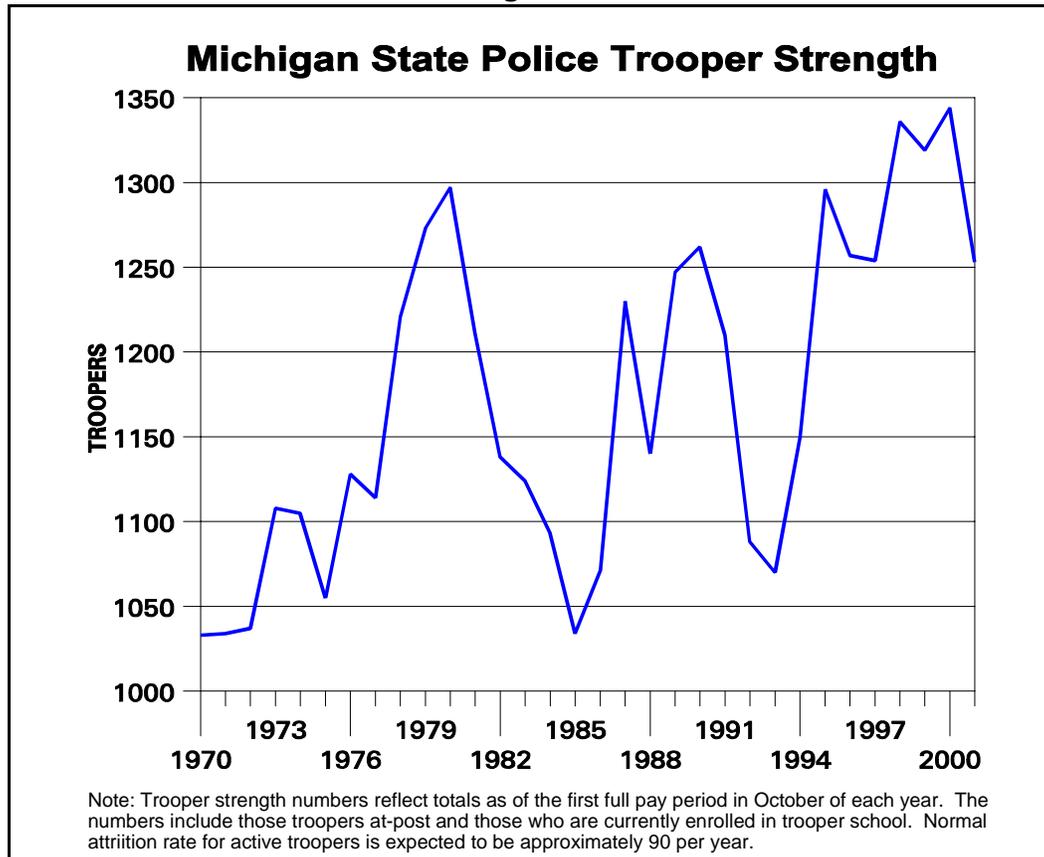
## TOPICS OF LEGISLATIVE INTEREST

May/June 2002

### STATE POLICE TROOPER COUNT DECLINE by Bruce R. Baker, Fiscal Analyst

Recent years have witnessed a reduction in the number of At-Post troopers in the State. "At-Post Troopers" refers to those Michigan State Police troopers who are assigned to 63 State Police posts throughout the State and whose primary functions are patrol and general law enforcement. In addition to the 63 traditional State Police posts, the Department currently has eight resident troopers, four detachments, and 20 satellite offices. A resident trooper is one assigned to work essentially out of his or her home. A detachment is a situation in which office space is provided free of charge to the Department in remote areas of a post to which specific officers are assigned. "Satellite office" refers to office space made available for use by any trooper assigned to the post area. As Figure 1, shows, last fall's trooper count of 1,253 was the lowest total since 1994. The most current count of At-Post troopers, reported from May 2002 payrolls, stands at 1,202.

Figure 1





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No function of the Department of State Police commands greater attention from the public and the Legislature than the general law enforcement services of a State trooper. The Department has many important responsibilities in support of general law enforcement in the State, but few are as vaguely defined in law as its role in providing troopers for general policing and patrol responsibilities. Public Act 59 of 1935 (MCL et seq., as amended) addresses the general policing/patrol responsibility with the following language:

*Sec. 4. ...The commissioner shall establish a highway patrol in the uniform division consisting of not less than 100 members...*

*Sec. 6 (5). The commissioner and all officers of the department have all the powers of deputy sheriffs in the execution of the criminal laws of the state and of all laws for the discovery and prevention of crime, and have authority to make arrests without warrants for all violations of the law committed in their presence, including laws designed for the protection of the public in the use of the highways of the state, and to serve and execute all criminal process... The commissioner and all officers of the department shall cooperate with other state authorities and local authorities in detecting crime, apprehending criminals, and preserving law and order throughout the state.*

*Sec. 7. ...The director shall establish and maintain local headquarters in various places, and may do so by agreement, lease, or otherwise, so as to best establish the department throughout the various sections of the state where it will be most efficient in carrying out the purpose of this act, to preserve peace and prevent crime...*

From this broad mandate, a policy of general law enforcement responsibility has evolved over the years. A statewide master plan, produced in 1981, summarized the role of the Department as having the responsibility of providing primary patrol services of the U.S. and interstate highway system in the State and of providing general law enforcement services to unincorporated rural and suburban areas of the State where needed. All counties, by law, have sheriff departments, but there is considerable variance in law enforcement capabilities among counties. In some areas of the State, municipal governments and/or the county fund extensive police services, leaving the demand for police services from the State at a low level. Other areas of the State have limited local police services and therefore require general law enforcement services from State troopers more extensively. A State Police study in 1989 revealed that in 34 of Michigan's 83 counties, the State Police had the major role in general law enforcement. These counties included the relatively populous counties of Genesee, Livingston, Jackson, and Bay. A 1994 survey by the Michigan Sheriffs Association of county-funded sheriffs' road patrols showed that 19 of Michigan's 83 counties had less than 24-hour road patrols. State Police



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general law enforcement services to these areas share a more pronounced role in law enforcement than in other areas of the State.

As the 1981 Michigan State Police statewide master plan stated:

*Each county determines the amount of law enforcement services it desires, leaving the Michigan State Police with the responsibility of determining the amount of law enforcement personnel it must furnish to meet total law enforcement needs within these jurisdictions.*

The Department's Gubernatorial Transition Report, dated November 26, 1990, added, "*The first (role and function) is to provide high quality, 24-hour a day police services for the unincorporated rural and suburban areas of the State...county law enforcement levels vary widely...the final responsibility always falls to the State Police.*"

The current Department administration has continued this policy by maintaining that the extent to which the State Police provide general police services is dependent upon the level at which local and county governments can support their own services. This policy implies a necessary working relationship between State and local law enforcement agencies. The extent and quality of this relationship can vary widely among counties. In some counties with extensive local law enforcement services, coordination between the local agencies and the State can be minimal. In other areas, local State Police District Commanders work with county sheriffs to split patrol responsibilities within a county to maximize coverage. On occasion, when a local agency loses patrol personnel due to a financial or other crisis, the State Police will come in to provide police coverage.

This departmental mission of providing general law enforcement services, including regular road patrols, falls primarily upon the troopers assigned to the State Police posts throughout the State. It is the number of these troopers who are employed at any given time that is often of primary concern to the Legislature, as the troopers are a symbol of the State's commitment to law enforcement and public safety, especially on the State's roadways. The number of At-post troopers has varied on an annual basis during the last 31 years from a low of 1,033 back in 1970, to a high of 1,344 in 2000 (Figure 1).

### **Trooper Strength and the State Budget**

Drops in yearly trooper strength figures result when the Department does not hold a trooper candidate school or schools of sufficient size to supplant the expected attrition of officers from the rank of trooper. This occurs when either the Legislature chooses not to appropriate, or the Governor chooses not to spend, funds for the establishment of a new trooper school. Usually, budgetary limitations are cited as the reason a trooper school (where trooper candidates begin receiving the



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equivalent of trooper pay immediately upon entry into school) is not conducted in a given year. Between 1980 and 1985, 20% of all troopers (263) were lost due to budgetary constraints and rising trooper costs that permitted only one trooper school to be held in the intervening years.

Subsequently, trooper strength increased from 1,070 in 1993 to 1,344 in 2000, due to the fact that 12 trooper schools were held during that period with a total graduation of 1,126 troopers. Trooper attrition and a lack of recent trooper schools, however, have lowered recent trooper counts.

Attrition from the rank of trooper results from expected retirements, not only from the rank of trooper, but from higher ranks as well, as troopers will ultimately be promoted out of the rank of trooper to fill those positions.

Nearly the entire cost of a trooper school for the State consists of the payroll costs of trooper recruits as they begin drawing the pay equivalent of a full-fledged trooper's salary from the moment they begin their 19-week trooper training academy. A trooper school of 35 recruits that began at the start of a fiscal year (which means that the cost for an entire year's trooper salary would be needed) would require \$2.7 million for that year. At the end of five years of service, the salary and benefits of each trooper would amount to an obligation of approximately \$90,000 from the State.

The appropriation unit that provides for the salaries and benefits for troopers within the State Police budget is the At-Post trooper line. The line is appropriated for fiscal year (FY) 2001-02 at a level of \$114,219,000 funded primarily with General Fund dollars and collections from the Highway Safety Enforcement Program. The Highway Safety Enforcement Program provides salaries and benefits for troopers who are primarily designed to highway safety enforcement and is supported by restricted funds. Public Act 154 of 1987 created the Highway Safety Fund, which receives funds from a \$5 assessment on all moving civil infraction violations. This assessment generates between \$6.0 million and \$7.0 million per year.

The reason for the declining level of troopers is simply that sufficient GF/GP funding for trooper schools has not been appropriated. No funds for a school for this fiscal year (FY 2001-02) or the next have been provided. In the previous year, FY 2000-01, a tight budget and unanticipated higher costs of fuel, fleet, and other items left insufficient funding to hold a planned trooper school. The Governor's original budget proposal for the current fiscal year included funding for a trooper school that was to bring the trooper strength level to a targeted 1,349. The subsequent elimination of economic increases to this year's State Police budget made the possibility of conducting a school in FY 2001-02 impossible without additional funds.



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### Outlook for FY 2002-03

The Governor's FY 2002-03 budget recommendations for the Department of State Police contained no funds for a trooper school, and in fact made reductions to reflect vacancies in the At-Post trooper appropriations line. In addition, the Legislature chose not to add funds to the Governor's FY 2002-03 budget to provide for a trooper school. In place of providing such funding, the Legislature chose to add boilerplate language to the FY 2002-03 State Police budget bill that would call attention to the Legislature's commitment to a trooper school and require the administration to provide a plan for implementing it. The language is as follows:

*Sec. 222. (1) Funds appropriated in part 1 for at-post troopers shall only be expended for trooper salaries, wages, benefits, retirement, equipment supplies, and other expenses directly related to state troopers assigned to general law enforcement duties at a department post, detachment, satellite office, or a resident trooper function.*

*(2) From the funds appropriated in part 1 for at-post troopers, 1 or more trooper recruit schools shall be conducted during fiscal year 2002-2003 with the goal of graduating at least 110 new troopers to state service to replace existing troopers projected to separate from the rank of trooper through attrition.*

*(3) The department shall submit a written report to the senate and house appropriations subcommittees on state police and military affairs no later than November 15, 2002, detailing the status of the department's plan for accomplishing the goal of subsection (2). If the department determines that insufficient funding exists under part 1 for at-post troopers or any other budget line to accomplish the goal of subsection (2), the department shall submit a plan outlining the additional funding necessary to accomplish the goal of subsection (2).*

### Future Factors

Aside from the Governor's and the Legislature's identifying the necessary funds and making new trooper schools a priority, other factors in the future could have an impact on trooper strength. Those that would make maintenance of higher trooper strength levels in the near future an additional challenge for the State, include:

- The settlement of the current trooper contract negotiations, expected in the next several months, which could trigger additional trooper retirements.
- The impact of possibly high numbers of trooper retirements in the near future, which could occur due to the large trooper class (360) of 1978 soon reaching its retirement eligibility point of 25 years of service. From year 2000 through 2005, it is estimated that 588 troopers will leave service.



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The settlement of the Michigan State Police Troopers Association contract, now in progress, also could certainly have an impact on funds available for a trooper school. State Troopers have been without a new contract since the start of FY 1999-2000. The arbitration process for determining a contract is ongoing and is likely to be finished during the summer of 2002. The contract in question covers the three-year period of FY 1999-2000, FY 2000-01, and FY 2001-02. To the extent that the cost of this contract exceeds economic increases provided within the budgets for these years (3% for FY 1999-2000, 2% for FY 2000-01, and 0% for FY 2001-02), additional funds will need to be found to pay the difference.

Another development within the past year that could help to mitigate the decline in the number of troopers is the Department's proposed restructuring plan, known as the "Business Process Improvement Initiative". The plan, still under internal review, is aimed at streamlining the operations of the entire Department, which could possibly translate into at-post efficiencies, thereby increasing the number of officers on patrol.

Some proposals considered under the plan would cut the number of nonpatrolling command officers located at State Police posts, from its current 270 members to as low as 69. The plan also could reduce the number of State Police districts in the State from seven to four, and could close several posts, to be replaced by additional satellite offices.

No final plan of restructuring has been announced as of this date, but a final plan is expected to be determined and put into action within the next year.