

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30212
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

May 17, 2019

CONFIDENTIAL – ATTORNEY/CLIENT PRIVILEGED COMMUNICATION

Mark Totten
Legal Counsel to the Governor
Office of the Governor
George W. Romney Building
111 S. Capitol Avenue
Lansing, MI 48933

Re: Request for Removal of the Jackson County Sheriff

Dear Mr. Totten:

Your office has requested review and recommendation by this Department regarding a letter from the Jackson Mayor requesting the removal of Steven Rand as the Jackson County Sheriff. The Mayor's letter of request, including its supporting materials, is attached hereto as Attachment No. 1.¹

Last year, the Chairperson of the Jackson County Board of Commissioners (BOC) made a similar request, which was still pending when Governor Whitmer took office on January 1, 2019. After reviewing the BOC Chairperson's removal request, this Department recommended that the requested removal proceedings be declined by the Governor due to the failure of the removal request to meet the requirements of MCL 168.207. Attachment No. 2.

¹ Mayor Derek Dobies's request package includes his letter, pp 1–5; his affidavit, p 6; Addendum A: Allegations made against Sheriff Rand, pp 7–8; Jackson City Council resolution 2018-04, dated February 27, 2018, p 9; a February 23, 2018 letter of the Jackson County Board of Commissioners Chairperson James Shotwell to the previous Governor requesting that the Governor commence removal proceedings against this sheriff, p 10; an excerpt from the pleadings filed in *Tommy J. Schuette v Steven P. Rand and Jackson County* in the U.S. District Court (ED, Mich), pp 11–23; an excerpt from the pleadings filed in *Lino Jackson v Jackson County and Steven P. Rand* in the U.S. District Court (ED, Mich), pp 24-35, and a list of articles entitled "Compiled News and Press," pp 36–39 — which are set out on pp 40–264.

RECOMMENDATION

For the reasons stated in this letter, it is my recommendation that the Governor decline this removal request due to its failure to meet the requirements of MCL 168.207.

OFFICE OF THE COUNTY SHERIFF

The office of the elected county sheriff is provided for in Article 7, Sections 4–6 of the Michigan Constitution. The duties of this office are set forth in Michigan statutes, including particularly, Chapter 51, Sheriffs, Revised Statutes of 1846, MCL 51.68, *et seq.*

There is an overview of a county sheriff's responsibilities in VerBurg, *Guide to Michigan County Government*, 4th Edition (Michigan State University; 2007), Chapter 9, Law Enforcement and Public Safety, pp 211–229 and 248–249. Attachment No. 3.

LAW

1. Removal of Elected County Officers

The Governor has constitutional and statutory authority to remove local public officials from office. In particular, Article 7, Section 33 of the Michigan Constitution provides that “[a]ny elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law.”

Consistent with the above constitutional provision, MCL 168.207 establishes the substantive grounds for removal of certain elected county officers, including the county sheriff.² It provides for six substantive grounds for removal:

The governor may remove any and all county officers named in section 200 of this chapter when [s]he shall be satisfied from sufficient evidence submitted to him . . . that such officer has been guilty of [1] official misconduct, or of [2] wilful neglect of duty, or of [3] extortion, or [4] habitual drunkenness, or [5] has been convicted of being drunk, or [6] whenever it shall appear by a certified copy of the judgment of a

² The county sheriff is specifically listed in section 200 of Michigan election law and is therefore subject to removal by the Governor under MCL 168.207.

court of record of this state that such officer, after his election or appointment, shall have been convicted of a felony. [MCL 168.207]

However, the statute prohibits the Governor from “act[ing] upon any such charges made to him against any such officer until the same shall have been [1] *exhibited to [her] in writing*, [and 2] *verified by the affidavit of the party making them. . . .*” *Id.* (emphasis added). And, in general, “affidavits must be made on the affiant’s personal knowledge” since it is “an affiant’s personal knowledge, and not his or her beliefs, opinions, rumors, or speculation, that are the proper subject of any affidavit.” 2A C.J.S., *Affidavits*, § 46.

The county officer subject to removal proceedings must then be afforded an opportunity to review and respond to the charges and supporting affidavit:

[N]o such officer shall be removed for such misconduct or neglect until charges thereof shall have been exhibited to the governor as above provided and *a copy of the same served on such officer and an opportunity given him of being heard in his defense*: Provided, That the service of such charges upon the person or persons complained against shall be made by handing to such person or persons a copy of such charges, together with all affidavits or exhibits which may be attached to the original petition if such person or persons can be found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. [MCL 168.207. (emphasis added).]

Regarding these requirements, Michigan Courts have long held that removal “is a power to be carefully used, and in exercising it the statutes must be strictly followed.” *Metevier v Therrien*, 80 Mich 187, 196 (1890). The power can only be exercised “upon charges which shall specify the particular acts or neglect relied on to make out the cause alleged.” OAG, 1933-1934, p 410 (December 11, 1933), quoting *Dullam v Willson*, 53 Mich 392 (1884) (internal quotation marks omitted). Furthermore, “the affidavit must allege specific charges and the date and place of their occurrence against each of the officers accused.” *Id.* at p 409; see also *Metevier*, 80 Mich at 190–191. Ultimately, “[t]he Governor has no right to order an investigation except upon specific charges,” and “those charges must consist of distinctly stated facts.” *Metevier*, 80 Mich at 190, 191. And Michigan courts have generally agreed that an officer subject to removal has a right to a hearing. *Dullam*, 53 Mich at 407 (Champlin, J.) (officer “is entitled to a reasonable notice of the time and place when and where an opportunity will be given him for a hearing, and he has a right to produce proof upon such hearing.”); *Dullam*, 53 Mich at 414–415 (Campbell, J., concurring) (officer has right “to examine and cross-examine

witnesses”). See also *Attorney General v Jochim*, 99 Mich 358 (1894) (discussing at length “due process” considerations in context of removal) and OAG 7307 (December 19, 2018) which discusses the statutory procedure for removing locally elected public officers.

2. Wilful Neglect of Duty

While the phrase “wilful neglect of duty” is not defined in the instant removal statute, section 478 of the Michigan penal code, MCL 750.478, provides that:

[w]hen any duty is or shall be enjoined by law upon any public officer, . . . every willful neglect to perform such duty, where no special provision shall have been made for the punishment of such delinquency, constitutes a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

For a public official to be convicted under this statute, it must be established that:

(1) that the defendant was a public officer . . . (2) that the defendant had a duty that is ‘enjoined by law,’ and (3) that the defendant willfully neglected to perform that duty. [*People v Parlovecchio*, 319 Mich App 237, 241 (2017), citing MCL 750.478 and *People v Medlyn*, 215 Mich App 338, 341 (1996).]

Regarding the first element, public officer has been defined by the Legislature to include “person[s] who [are] elected or appointed to . . . [a] public office of a city, village, township, or county in this state.” MCL 15.181(e)(ii). As to the second element, a public officer is “enjoined by law” when he can be compelled in a mandamus action to act—i.e. when the public officer “ha[s] a clear legal duty to perform [a certain] act.” *Parlovecchio*, 319 Mich App at 242–243, citing *Twp of Casco v Secy of State*, 472 Mich 566, 577 (2005). Finally, as to the third element of MCL 750.478, “bad purpose” is necessary for a finding of willful neglect of duty. *Medlyn*, 215 Mich App at 345. A bad purpose may “be met upon a mere showing that [the public officer] failed to do what he was obligated to do.” *Id.*

3. Official Misconduct

Similarly, the instant removal statute does not provide a definition of the phrase “official misconduct.” However, “[t]he offense of *misconduct in office* was an indictable offense at common law.” *People v Waterstone*, 296 Mich App 121, 133 (2012) (emphasis added). The offense was defined as “corrupt behavior by an officer

in the exercise of the duties of his office or while acting under color of his office,” and a public officer could be found guilty of misconduct in office:

. . . (1) for committing any act which is itself wrongful, malfeasance, (2) for committing a lawful act in a wrongful manner, misfeasance, or (3) for failing to perform any act that the duties of the office require of the officer, nonfeasance.” [*Id.*, quoting *People v Perkins*, 468 Mich 448, 456 (2003).]

In order “[t]o convict on the charge of misconduct in office, the prosecutor must prove that the defendant (1) is a public officer, (2) the misconduct occurred in the exercise of the duties of the office or under the color of the office, and (3) [the misconduct] is corrupt behavior.” *People v Milton*, 257 Mich App 467, 471 (2003).

As to demonstrating “corrupt behavior” in the cases of malfeasance and misfeasance, it must be demonstrated that the offending public officer acted with a “sense of depravity, perversion or taint.” *People v Perkins*, 468 Mich 448, 456 (2003). Such a showing can be made “where there is intentional or purposeful misbehavior or wrongful conduct pertaining to the requirements and duties of office by an officer.” *People v Coutu*, 235 Mich App 695, 706 (1999).

And as to demonstrating “corrupt behavior” in the case of nonfeasance, because willful neglect of duty under MCL 750.478 and misconduct in office under a nonfeasance theory punish the same conduct, the two offenses are “effectively one and the same.” *Waterstone*, 296 Mich App at 141. And, regarding the requirement of a finding of corrupt behavior under a “misconduct in office-nonfeasance” prosecution, see, e.g., *People v Coutu*, 459 Mich 348, 354 (1999), “[i]f a public officer willfully neglects to perform a legal duty, he or she engaged in corruption or corrupt behavior.” *Waterstone*, 296 Mich App at 141.

ANALYSIS

Here, the procedural requirements for the commencement of removal proceedings by the Governor under MCL 168.207 have not been met. Specifically, the request submitted by Mayor Dobies is not accompanied by an affidavit based on personal knowledge of the conduct of the sheriff. Rather, the request includes an affidavit that sets forth the affiant’s *general* familiarity with complaints against the sheriff by others together with publicly available recorded statements of the sheriff.

In addition, there is no indication from the Mayor's letter that Sheriff Rand has been served a copy of the removal request.³

In the course of reviewing this removal request, I also considered the 15-numbered allegations against the sheriff listed in Addendum A to the Mayor's affidavit, see pp 7–8 of Attachment No. 1. Based on the information set forth in Addendum A, even if such allegations were supported by a valid affidavit based on personal knowledge, the allegations do not encompass conduct which would be grounds for removal under MCL 168.207.⁴ For instance, four of the listed grounds for removal are not found anywhere in the allegations—extortion, habitual drunkenness, conviction for being drunk, or a felony conviction by a court of record in this state. As for official misconduct, there is no allegation of an intentional commission of a crime or an intentional disregard of a lawful standard of conduct applicable to the sheriff (such as the judicial code of ethics applicable to judges' conduct, which was considered in the *Waterstone* case, *supra*).⁵ Similarly, as to wilful neglect of duty, there is no allegation of an intentional action on the part of the sheriff to refrain from carrying out a duty assigned to the sheriff by statute or other standard of conduct that is legally applicable to a county sheriff.

CONCLUSION

Accordingly, it is recommended that the Governor decline this removal request due to its failure to meet the requirements of MCL 168.207. But, if the Governor decides to decline this removal request, the requester would still have the

³ On page 4 of his March 25, 2019 letter to the Governor requesting the sheriff's removal, Mayor Dobies states that his affidavit "will also officially be served on Sheriff Rand." In the same letter on page 5, the Mayor also states that he "plan[s] to adequately serve this petition on Sheriff Rand and provide him with an opportunity to hear [sic] in his defense."

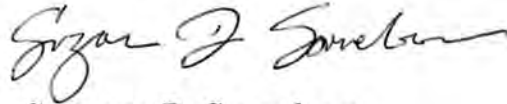
⁴ For a listing of the six grounds for removal in MCL 168.207, see pp 2–3 *supra*.

⁵ For example, as to allegation No. 8 (discharge by the sheriff of a personal weapon inside of his office), it is not alleged that the sheriff intentionally discharged this weapon inside of his office—which would be necessary to establish grounds for removal on the basis of wilful neglect of duty or official misconduct (based on nonfeasance). On the other hand, it is noted that two statutes penalize careless and negligence with respect to the handling of firearms: (1) MCL 752.862 (careless, reckless, or negligent use of firearms; injury of property; penalty) and (2) MCL 752.863a (reckless, wanton use or negligent discharge of firearm; penalty).

Mark Totten
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option of resubmitting a request in compliance with the requirements set forth in MCL 168.207.

Sincerely,



Suzanne D. Sonneborn
Chief Legal Counsel

Attachments

1. Letter to Governor from Jackson Mayor Dobies, dated March 25, 2019, seeking the Governor's removal from office of Jackson County Sheriff Rand with attachments, 264 pages.
2. Letter from this department, dated March 13, 2019, to the Governor's Legal Counsel regarding a request to the previous Governor for removal from office of Jackson County Sheriff Rand.
3. VerBurg, *Guide to Michigan County Government*, 4th Edition (Michigan State University; 2007), Chapter 9, Law Enforcement and Public Safety, pp 211–229 and 248–249.

Attachment 1

Governor Gretchen Whitmer
P.O. Box 30013
Lansing, Michigan 48909

RE: Removal of Sheriff Steve Rand

Dear Honorable Governor Gretchen Whitmer,

When a law enforcement officer swears an oath, puts on uniform, and pins on his badge, that officer is charged with enforcing the law in the most unbiased, respectful, and ethical manner possible. Law enforcement officers should be examples for others to follow. The Sheriff, as the top law enforcement officer in the County of Jackson, should lead by example and hold the highest of standards. I believe that Jackson County Sheriff Steve Rand has not met these obligations to the people of Jackson County as its chief law enforcement officer, and that his misconduct in office warrants his immediate removal by the power vested in you by state law.

Anytime that a public servant not only allows his office to be a haven to degrade people with disabilities, to degrade minorities, to degrade women, and to degrade the LGBTQ community, but also actively participates and encourages similar behavior to those under his official command, the public trust in that official is eroded and reflects negatively on all public servants. When an officer of the law publicly fantasizes about using their weapon to rape and murder a woman for sexual gratification, that trust is gone.

This letter and its supporting documents will attempt to outline some of the comments, actions and behavior that make the case for official misconduct. While at the time of writing there are at least two ongoing lawsuits against Sheriff Rand, many of any of the comments and actions made that support the charge of misconduct in office are not simply allegations: they were recorded by a Sheriff's Department Lieutenant that felt he was being discriminated against due his hearing disability. The Lieutenant made audio recordings of Sheriff Rand in command staff meetings.

Sheriff Rand has admitted that it was his voice on the recordings to the Jackson Citizen Patriot and other local news outlets. The recorded remarks from Sheriff Rand contain racist, sexist, discriminatory and crude statements about fellow Sheriff's Office employees and County officials. The volume of comments clearly indicate his tenure has cultivated an environment that not only sanctioned that behavior, but celebrated and encouraged it. Members of Sheriff Rand's own command staff can be heard on the recorded audio laughing at his inappropriate comments, and often participating. It is clear that these comments were isolated incidents and point to a culture of discrimination, misogyny, and racism.

Michigan law defines misconduct in office as “corrupt behavior by an officer in the exercise of the duties of his office or while acting under color of his office.” *People v. Coutu*, 459 Mich. 348, 354, 589 NW2d 458 (1999). There are three elements to the offense of misconduct in office: (1) the defendant is a public officer, (2) the misconduct occurred in the exercise of the duties of the office or under color of the office, and (3) the misconduct is corrupt behavior. *People v. Milton* 257 Mich App 467, 471; 668 NW2d 387 (2003). Misconduct in office can be shown by: (1) the commission of a wrongful act (misfeasance), (2) commission of a lawful act in a wrongful manner (misfeasance), or (3) failure to do an act required by the duties of the office (nonfeasance). *Id.*

When determining whether a public official committed misfeasance or malfeasance, the official must have acted with a corrupt intent, i.e. with a sense of depravity, perversion or taint. A corrupt intent is not necessarily intent to make a profit from the actions of the public official. Black’s Law Dictionary defines “taint” as “(1) to imbue with a noxious quality or principle, and (2) to contaminate or corrupt, or (3) to contaminate or affect slightly for the worse.” See the discussion of misconduct in office in *People v. Greene*, 2013 WL 135244848, Court of Appeals of Michigan, 2013. The term “deprave” as defined in Webster’s Dictionary is “(1) to speak ill of and (2) to make bad.” To pervert something, as defined in Webster’s Dictionary, is “to cause to turn aside or away from what is good or true or morally right (also defined as corruption). As explained in *People v. Milton*, 257 Mich App 467, 471; 668 NW2d 387 (2003), “pursuant to the definitions of depravity, perversion and taint, a corrupt intent can be shown where there is intentional or purposeful misbehavior or wrongful conduct pertaining to the requirements and duties of office by the officer.”

Sheriff Rand, as the highest ranking law enforcement officer in the County, is charged with enforcing all state and local laws in the discharge of his duties. The racist, sexist, and discriminatory comments made by him are alleged to be violations of the Elliott-Larsen Civil Rights Act, the Persons with Disabilities Civil Rights Act, and the Americans with Disabilities Act. The comments and actions also appear to be racial discrimination in violation of 42 U.S. C. Section 1981, and violations of the City of Jackson Nondiscrimination Ordinance.

The racist, sexist, discriminatory and shockingly disrespectful remarks also appear to violate the Sheriff’s own internal policies. The mission statement of the Jackson County Sheriff’s Office is as follows (from its webpage):

Mission Statement: It is the mission of the Jackson County Office of the Sheriff to provide the highest quality law enforcement and public safety services to the citizens of Jackson County.

Vision Statement: The Jackson County Office of the Sheriff aspires to be a world-class leader in policing, a model for character, innovation, and service. We strive to protect our diverse and dynamic community with fairness, integrity, and respect for the rights of the individual. We resolve to develop a creative, forward-thinking workforce, dedicated to raising our level of excellence to meet the challenges of tomorrow.

Values: We adhere and foster the values of Integrity, Professionalism, Respect, Teamwork, and Accountability.

Clearly the actions and statements of Sheriff Rand violate his own mission statement for his department. While I was unable to obtain an official copy of the exact wording of Sheriff Rand's oath of office, all public officers swear to uphold federal, state, and often local law in the discharge of their duties. Sheriff Rand has clearly failed to uphold his oath to the people of Jackson County. He has also tainted, perverted and corrupted the Jackson County Sheriff's Office by his behavior and by allowing other officers to participate in racist, sexist and discriminatory behaviors. These actions clearly meet the definition of misconduct in office; therefore Sheriff Rand should be removed from office.

Sheriff Rand's comments also speak to the implicit bias, prima facie discrimination and possible disparate treatment that may permeate the Jackson County Sheriff's Office – not just with internal treatment of staff but with treatment of members of the public in administering the functions of the Office of the Sheriff. Sheriff Rand himself admitted to a need to better understand his “unconscious bias” as a result of his comments being made public.

In order to effectively fight crime, the law enforcement officers and the community at large must have a mutual trust and confidence in one another. Citizens must feel valued and not degraded for true community policing to work. The presence of a top official with such a derogatory and discriminatory attitude undermines community policing by creating distrust. In Jackson County, Sheriff Steve Rand's outrageous, disrespectful, discriminatory and outright unprofessional misconduct has led to the erosion of the public's confidence and trust of the Jackson County Sheriff's Office and casts a dark shadow on all other law enforcement officers in Jackson County.

Efforts to recall Sheriff Rand have not been successful due to the large number of signatures required to place the recall on the ballot. In addition, changes to the Michigan Election Law were passed by the legislature and signed into law in 2012 by your predecessor, Governor Snyder, making it even harder for the general public to remove officers through the recall process. Therefore, if Sheriff Rand is not removed by the Governor's Office, he will surely continue as Sheriff until the next election in 2020.

I now formally request your help for my constituents in the City of Jackson. As the Governor, you now have the power to remove Sheriff Rand pursuant to Section 207 of the Michigan Election Law. I ask that you exercise this power to rid the Jackson County Sheriff's Office of Sheriff Rand and help restore professionalism, integrity, and honor to Jackson County Law Enforcement.

Section 207 of the Election Law gives the Governor the power to remove any County officer for official misconduct if a request is made in writing of the charges against the county official:

168.207 County officers; removal from office; service of charges, hearing.

Sec. 207.

The governor may remove any and all county officers named in section 200 of this chapter when he shall be satisfied from sufficient evidence submitted to him, as hereinafter provided, that such

officer has been guilty of official misconduct, or of wilful neglect of duty, or of extortion, or habitual drunkenness, or has been convicted of being drunk, or whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer, after his election or appointment, shall have been convicted of a felony; but the governor shall take no action upon any such charges made to him against any such officer until the same shall have been exhibited to him in writing, verified by the affidavit of the party making them, that he believes the charges to be true. But no such officer shall be removed for such misconduct or neglect until charges thereof shall have been exhibited to the governor as above provided and a copy of the same served on such officer and an opportunity given him of being heard in his defense: Provided, That the service of such charges upon the person or persons complained against shall be made by handing to such person or persons a copy of such charges, together with all affidavits or exhibits which may be attached to the original petition if such person or persons can be found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. No officer who has been removed in accordance with the provisions of this section shall be eligible to election or appointment to any office for a period of 3 years from the date of such removal.

The Commissioners of the County of Jackson submitted a request to the Governor's Office on February 23, 2018. A copy of the request from the County of Jackson is attached to this letter. Also attached to this letter is a copy of a Resolution passed by the City of Jackson City Council on February 27, 2018 condemning in the strongest way possible the egregious conduct engaged in by Sheriff Rand and asking him to resign.

Sheriff Rand refuses to resign despite being requested to by numerous public bodies such as the Jackson County Chamber of Commerce, the Jackson County Branch of the NAACP and the Jackson County Commissioners. The Resolution also requests that the Governor remove Sheriff Rand from the Office of Sheriff. Despite proof of Sheriff Rand's misconduct and deplorable behavior, he has managed to keep his title for almost a year while the former Governor reviewed the requests for his removal for an extended period of time. This "review" delay allowed Sheriff Rand to reach his retirement date of August 1, 2018.

With a new administration in the Governor's Office, it is my hope that justice can finally be done for the citizens of Jackson County and for the many amazing law enforcement officers whose reputations have been tainted by Sheriff Rand's misconduct in office. Although the City's previous Resolution for removal was not responded to, I am hoping that the citizens of Jackson will obtain relief by way of your new administration. While you may be early in your term and very busy with many other pressing matters, the time is always right to do what is right. Removing Sheriff Rand is far overdue.

I have also included with this request an Affidavit pursuant to Michigan Election Law which will also officially be served on Sheriff Rand. Attached to the Affidavit is a list of the allegations against Sheriff Rand. All of the allegations occurred while in uniform, on duty and in command staff meetings. Many of these allegations are truly disturbing and shock the conscience. No person who committed these

acts and made these statements should be permitted to be the highest ranking law enforcement officer enforcing the law in a County. Several news articles are also included for your review. In addition, I have attached copies of the Complaints for both lawsuits filed against Sheriff Rand for your review.

We live in a time where top elected leaders openly embrace a rhetoric of hate, intolerance, and division. That encourages and emboldens racists, bigots, and those who seek to divide us to emerge from darkness, to come out from under their sheets, to poison the values and threaten the institutions that make our country, and our state, so great. Allowing Sheriff Rand to remain in office despite clear counts of official misconduct only exacerbates that dystopia.

Our city works hard towards building a more tolerant, inclusive community—one that views diversity as a strength and gives no quarter to discrimination. We shouldn't allow anyone—not even the most powerful among us—to stand in the way of that progress.

We ask that you use your authority pursuant to the Michigan Election Law to remove Sheriff Rand from his position as the Jackson County Sheriff for official misconduct and restore trust, professionalism and integrity to the law enforcement community of Jackson County.

Pursuant to the procedural requirements of Section 207 of Michigan Election Law, I plan to adequately serve this petition on Sheriff Rand and provide him with an opportunity to hear in his defense.

Sincerely,

A handwritten signature in black ink, appearing to read "Derek J. Dobies". The signature is stylized with a large, sweeping initial "D" and a long, horizontal flourish extending to the right.

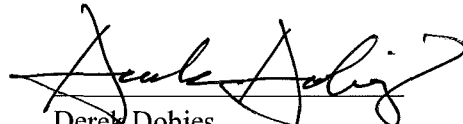
Derek J. Dobies
Mayor

AFFIDAVIT OF DEREK DOBIES

I make this Affidavit upon oath and affirmation of my belief and personal knowledge that the following matters and facts set forth are true and correct to the best of my information and belief:

1. I am the duly elected Mayor of the City of Jackson and I am responsible for the health, safety, and welfare of the residents of the City of Jackson.
2. I am aware of the various allegation made against Sheriff Rand that are listed on the attached document, Addendum A.
3. I have personally listened to audio recordings that were made public of Sheriff Rand while on duty. I believe Sheriff Rand's admission to be true; that he is a participant on many of those recordings which include discriminatory, racist, sexist and obscene comments and behavior.
4. It is my belief that the on-duty comments and other behavior made by Sheriff Rand constitute official misconduct in office under Michigan law.
5. It is my further belief that, due to official misconduct in office, Sheriff Rand should be removed from his office as Jackson County Sheriff immediately for the benefit of the City residents and its law enforcement personnel.


Dated this 18th day of March, 2019.


 Derek Dobies

STATE OF MICHIGAN)
)ss
 COUNTY OF JACKSON)

On MARCH 21, 2019, before me, a Notary Public, in and for said County, personally appeared Derek Dobies, to me known to be the same party described herein and who executed the within instrument, and who personally acknowledged the same to be his own free act and deed.

BETHANY M SMITH
 Notary Public, State of Michigan
 County of Jackson
 My Commission Expires 10-17-2024
 Acting in the County of _____



 Bethany M. Smith, Notary Public
 Jackson County, Michigan
 My commission expires: 10-17-24

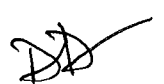
Addendum A: Allegations Made Against Sheriff Rand

The following is a list of the allegations made against Sheriff Rand. These allegations come from two separate lawsuits filed against Sheriff Rand and also from audio recordings of conversations involving Rand. Rand has confirmed that it is his voice on the audio recordings. Many of the recordings were made while Sheriff Rand was on duty, in uniform and during meetings with his top command staff.

1. A lawsuit filed against Sheriff Rand by former Sheriff's Department Lieutenant Tommy Schuette alleges that Rand is a "multifaceted bigot" who insults black persons, women, Hispanics, and the LGBTQ community. Mr. Schuette further alleges that Sheriff Rand mocked his work-related disability. A copy of the Complaint is attached. The Lieutenant that filed the lawsuit made audio recordings of Rand while Rand was on duty and in uniform, which Rand confirmed contained his voice.
2. The suit alleges that, while on duty and in uniform, Sheriff Rand would relentlessly ridicule Lieutenant Schuette for his hearing disability (which Mr. Schuette claims resulted from his work), and mocked his hearing loss by "calling out his name in a voice imitating a dead or mentally disabled person." Rand would call the Lieutenant "deaf and dumb" and a "f---ing retard." The lawsuit filed by the former Lieutenant alleges that Rand created a hostile work environment due to the ridicule of his disability and that, while the Lieutenant was on medical leave, he was retaliated against. The Lieutenant also alleges that when he would bring up his concerns over his disability, Rand would tell him to "stop being a pussy" and would threaten to demote him and fire him.
3. A second lawsuit was filed against Sheriff Rand by Lino Johnson, the first and only African-American road patrol in the history of the Jackson County Sheriff's Office, alleging that Rand's office was "an incubator for egregious racism and bigotry." Johnson claimed that he was treated unfairly at work due to his race and was made the subject of an internal investigation due to his race. Both lawsuits name Sheriff Rand personally and in his capacity as the Sheriff for the County of Jackson, thereby putting the taxpayers on the hook financially for misconduct.
4. In a recording of Sheriff Rand and fellow employees of his Office while on duty and in uniform, the following conversation took place: "are you f---ing her?" Rand asks. Someone replies that he would "stick it in her a—as far as I could" to which the Sheriff responded "About 15 years ago I would have." Rand continues stating that "Although I always joked with (a former commander)...I wanted to make a snuff film with her. She is gonna be a star...Shoot her right in the back of the head when I (ejaculate)." (A snuff film typically portrays a woman being raped and then murdered).
5. Rand referred to black persons by racial slurs such as "f---ing monkeys," and according to the suit used the word "n---er."



6. According to the lawsuit, Sheriff Rand called a former black deputy a “dumb n---er” in front of other employees.
7. According to the lawsuit, at a staff meeting in August of 2017, while the staff was discussing a black deputy who was under investigation, Rand remarked “We should step on their necks like we use to.”
8. While on duty, Rand discharged a personal weapon inside of his office. No official report of the incident was ever made by Rand and no report was ever filed. This is a violation of City Code Sec. 18-184 which states “*No person shall discharge any firearm, air rifle or air pistol within the city.*”
9. While on duty, Rand made comments about a female court employee that were audio recorded in which he stated “I’d definitely (inaudible) on that. That’s so f---ing hot...I wouldn’t want a picture of my dick and you know, send it to the wife. Can you blame me?”
10. Rand made comments about a female court employee that were audio recorded in which he states “You just realized that she is a f---ing c-nt. She realizes she is really hot.”
11. Rand is also on audio tape calling a female County circuit court judge “a scatter-brained cunt” in front of other County employees.
12. Rand is also alleged to have regularly made sexually inappropriate inquiries to male employees about female employees.
13. Rand asked a Hispanic City of Jackson police command officer: “Don’t you have any gardens to go pick?”
14. Rand has been audio recorded calling various employees derogatory term such as “queer” and “fag” making sexual jokes with employees about homosexual sexual encounters with him. Rand was also recorded calling Schuette a “queer” in yet another clip before seemingly suggesting that the lieutenant was interested in him sexually. “I think you would,” Rand told Schuette. “I think you should try it. In fact, let’s turn the lights down ... Come on, Tommy. You know you want to.” “So gross,” Schuette replied, according to the recording. “You know you want to,” Rand said in response.
15. Rand has been audio taped saying to an officer with red hair “I thought you gingers stick together with the blacks.”



RESOLUTION 2018-04

BY THE CITY COUNCIL:

WHEREAS, the City of Jackson Mayor and City Council are committed to the spirit and letter of all civil rights laws, both state and federal, and has passed a Non-Discrimination Ordinance to ensure that the civil rights of all citizens and employees of the City have equal protection under the law; and,

WHEREAS, the City of Jackson has annually through its budgets invested substantial resources in training, dissemination and education to prevent discrimination in the City of Jackson through the leadership of the Human Relations Commission; and,

WHEREAS, the City Council and City Administration have maintained a zero tolerance policy when it comes to matters of discrimination and conduct that violates or jeopardizes the civil rights and employees of the City of Jackson; and,

WHEREAS, Sheriff Rand has admitted to numerous derogatory, disparaging, and discriminatory remarks and conduct which the Mayor and City Council of the City of Jackson deem to be an abuse of the Office of County Sheriff and this conduct continues to jeopardize and diminish the public's confidence in Sheriff Rand and the Sheriff's Department; and,

WHEREAS, the Jackson County Chamber of Commerce, the Jackson County Branch NAACP, and the Jackson County Board of Commissioners have all called on Sheriff Rand to resign but do not possess legal authority over the elected office of Sheriff and do not have the ability to unilaterally remove the Sheriff from office.

THEREFORE, be it resolved, the City of Jackson hereby officially condemns, in the strongest way possible, the egregious conduct engaged in by Sheriff Rand and unanimously calls upon him to restore confidence and integrity in the Sheriff's Department by placing the interests of the citizens of the City of Jackson and Jackson County above all else and voluntarily resign from the Office of Sheriff, effective immediately; and

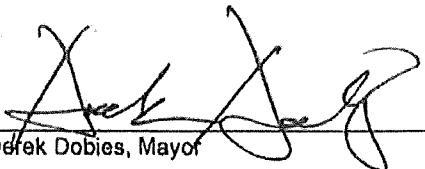
THEREFORE, be it further resolved, that the Mayor is directed to send a letter on behalf of the Jackson City Council to request that the Governor of the State of Michigan remove Sheriff Rand from the Office of Sheriff and to file a complaint including an affidavit with the Governor.

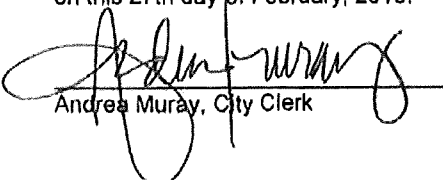
BE IT FURTHER RESOLVED that copies of this policy shall be made available by in the office of the City Clerk for all interested parties.

State of Michigan)
County of Jackson)ss
City of Jackson)

I, Andrea Muray, City Clerk in and for the City of Jackson, County and State aforesaid, do hereby certify that the foregoing is a true and complete copy of a resolution adopted by the Jackson City Council on the 27th day of February, 2018.

IN WITNESS WHEREOF, I have hereto affixed my signature and the Seal of the City of Jackson, Michigan on this 27th day of February, 2018.


Derek Dobies, Mayor


Andrea Muray, City Clerk

JACKSON COUNTY BOARD OF COMMISSIONERS

James E. Shotwell, Jr., Chairperson



David K. Elvell, Vice-Chair

Dr. Allan Tompkins
Sarah L. Lighner
Rodney Walz
Jonathan Williams

Daniel Maloney
Carl Rice, Jr.
Phillip Duckham, III

February 23, 2018

Governor Rick Snyder
PO Box 30013
Lansing, MI 48909

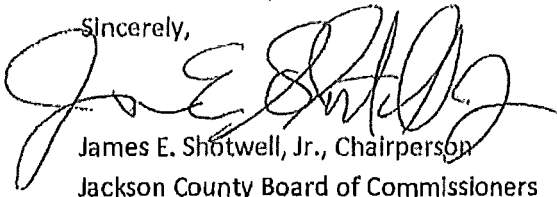
Dear Governor Snyder,

The Jackson County Board of Commissioners has learned that the Jackson County Sheriff engaged in conduct, deemed by the Board of Commissioners, to be an abuse of the Office of County Sheriff. The Sheriff has admitted to engaging in abhorrent speech with his command staff at the Sheriff's Office. The Commissioners believe that this conduct is a threat to the core values of the community and has undermined the community's confidence in law enforcement. This crisis of confidence is directly related to the Sheriff's ability to lead and perform his duties as Sheriff to protect all of the citizens of Jackson County.

The attached resolution was unanimously approved, by those present, at the Jackson County Board of Commissioners Meeting conducted on February 20, 2018. The resolution condemns the Sheriff's behavior, asks for his resignation, and directs the Board Chair to make this formal request for the Governor to excise the authority to remove the Sheriff from Office.

Please consider this the Board of Commissioners' formal request to initiate proceedings to remove Sheriff Rand from the Office of Jackson County Sheriff.

Sincerely,



James E. Shotwell, Jr., Chairperson
Jackson County Board of Commissioners

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN

TOMMY J. SCHUETTE,

Plaintiff,

Case No.

Hon.

v

STEVEN P. RAND, in his individual
and official capacities, and
JACKSON COUNTY,

Defendants.

James K. Fett (P39461) FETT & FIELDS, P.C. 805 E. Main Pinckney, MI 48169 734-954-0100 734-954-0762-fax jim@fettlaw.com Attorneys for Plaintiff	
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PLAINTIFF'S COMPLAINT AND JURY DEMAND

Plaintiff, through counsel, Fett & Fields, P.C., states the following complaint
against Defendants:

JURISDICTION AND PARTIES

1. This is an action for retaliatory discharge in violation of 42 U.S.C. § 1981, the Elliott-Larsen Civil Rights Act, M.C.L.A. 37.2701, as well as discrimination and a hostile work environment based on disability in violation of the Persons with Disabilities Act, M.C.L.A. 37.1101 et seq.

2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1331, 1343(a)(3), and 1343(a)(4) (federal civil rights) and 28 U.S.C. § 1367 (pendent state law claims).

3. This Court has jurisdiction to grant injunctive and equitable relief, as well as money damages, pursuant to 29 U.S.C. § 626(c).

4. Plaintiff is a White male lieutenant with the Jackson County Sheriff Department.

5. Defendant Steven P. Rand (“Rand”) is the duly elected Sheriff of Defendant Jackson County.

6. The Sheriff’s Department is a department of Defendant Jackson County (the “County”).

7. The events giving rise to this cause of action occurred in Jackson County, Michigan.

8. The amount in controversy exceeds \$75,000.00, exclusive of interest, costs and attorney fees.

COMMON ALLEGATIONS

9. Plaintiff is 40 years old; he holds a bachelor’s in Criminal Justice and joined the Jackson County Sheriff’s Department in 1998.

10. Plaintiff has an impeccable employment record and as a result was promoted through the ranks to lieutenant in 2013.

PLAINTIFF'S HEARING LOSS

11. Plaintiff suffers from sensorineural hearing loss which he sustained over time from work-related activities, particularly while a member and then the Commander of the Jackson County Special Response Team ("SRT").

12. Between 2014 and 2015 noticed that he was having difficulty hearing, especially after the use of explosive stun grenades known as "Flash Bangs."

13. Others, including SRT members and Rand, began noticing Plaintiff's hearing issues.

14. By 2015 Plaintiff was unable to hear SRT radio communications.

15. Between 2015 and 2016 Plaintiff began to talk with Rand about his hearing concerns and stepping down as SRT Commander.

16. Rand's response was to tell Plaintiff to "stop being a pussy," threaten to demote him, ask him whether he wanted to be a sergeant again and remind him that he could be fired at any time.

17. Rand on a daily basis in the presence of witnesses would mock Plaintiff by calling out his name in a voice imitating a deaf or mentally disabled person.

18. Rand continually threatened to demote Plaintiff if he made an issue of his hearing loss.

19. On August 12, 2016, Plaintiff and the SRT team were dispatched to a scene where a husband had shot his wife and eventually shot himself; Plaintiff had great difficulty communicating with his team during his time at the crime scene.

20. Afterwards, Plaintiff informed Rand that he could not continue as SRT Commander because of his hearing loss.

21. Rand's response was again to call Plaintiff a "pussy" and ask if he wanted to be demoted.

22. Nonetheless, Plaintiff reported his hearing loss to Human Resources Director Richard Martonchik in October 2016.

23. Martonchik directed Plaintiff to have a hearing test with Allegiance Workwell; the Workwell test indicated severe hearing loss.

24. Martonchik then directed Plaintiff to seek a referral to a hearing specialist, who in November 2016 diagnosed Plaintiff with Sensorineural Hearing Loss and opined that "more likely than not related to occupational noise exposure."

25. Plaintiff provided Martonchik with a copy of the specialist's report.

26. Although Rand regularly harassed Plaintiff about his hearing before the report to Human Resources and subsequent test, Rand became relentless in his harassment of Plaintiff afterward; nonetheless, Plaintiff continued to perform his duties in an exemplary fashion.

RAND'S MULTIFACETED APPROACH TO BIGOTRY

27. Rand is a multifaceted bigot, having made numerous slurs in the presence of many individuals, including Plaintiff, targeting:

- a. Blacks;
- b. Gays;
- c. Women;
- d. Hispanics
- e. Overweight people; and
- f. Disabled people.

28. Rand's slurs (many of them recorded) include:

- a. In August 2017, reference to a former Black deputy as a "dumb n - - - -" and other Blacks as "monkeys;"
- b. Frequent reference to Plaintiff and others as a "fag" or a "queer;"
- c. In reference to a county employee, his statement that "I always wanted to do a snuff film with her and she could be the star, I would put one in the back of her head as I [ejaculate];"
- d. In October 2017, reference to a local female judge as a "scatter brained c - - -;"
- e. In September 2017, the statement to a Hispanic City of Jackson command officer: "don't you have any gardens to go pick?;"
- f. Frequently addressing two heavy command officers with the word "fat" before their first name, e.g. "fat Tom"; and
- g. Frequent reference to Plaintiff as "deaf and dumb," "f _ _ _ _ _ g retard," "retard" or "special needs" because of his hearing loss.

29. Rand also made regular sexually inappropriate inquiries to male members of the department about female employees, including two different female deputies.

30. In an August 2017 staff meeting, Rand referred to Blacks and a Black deputy that was under an internal investigation and remarked “we should step on their necks like we used to.”

31. When Plaintiff attended a “Special Needs” lunch sponsored by the local school district in October 2017, Rand texted the School Liaison Deputy “I understand Schuette is meeting you for lunch. Make sure nobody thinks he is one of them and accidentally puts him on the bus;” Plaintiff has a screen shot of the text.

32. Rand’s relentless harassment of Plaintiff and the egregious conduct described above finally took its toll, requiring Plaintiff to seek medical care and psychological counselling in October 2017.

33. Plaintiff’s therapist diagnosed him with Post Traumatic Stress Disorder (“PTSD”).

34. Plaintiff applied for and received FMLA leave on October 19, 2017.

35. Plaintiff applied for workers’ compensation benefits in November 2017, which the County’s workers’ compensation insurer denied.

36. The County apparently convinced its short-term disability carrier to provide benefits even though Plaintiff’s medical conditions are work-related.

37. Plaintiff on January 3, 2018 requested a meeting with County Human Resources Director Richard Martonchik and County Administrator Michael Overton

to report Rand's antics; Martonchik reluctantly agreed to "get back" with Plaintiff, which he failed to do.

38. Consequently, Plaintiff called Martonchik again a week later and was able to secure a meeting with Martonchik and Overton on January 17.

39. At the meeting Plaintiff informed Martonchik and Overton of the purpose of the meeting, explained in detail his experience and struggles he and others were experiencing on account of Rand's behavior (see paragraphs 26-30 above) and then played recordings of Rand in action; he also provided witness information, adding that he was extremely concerned about retaliation by Rand against the witnesses and himself.

40. Martonchik and Overton were only minimally interested, and after only a few recordings, Martonchik stated "Ok we're disgusted and have heard enough."

41. Martonchik then started to explain that Plaintiff's short-term disability benefits were about to end and mentioned the long-term disability process when Plaintiff interrupted, and asserted that, per policy, he should be on paid administrative leave pending an internal investigation.

42. Martonchik said that they would be in touch.

43. When he heard nothing from Martonchik or Overton, Plaintiff, on January 29, called Overton who never returned the call.

44. Shortly afterward, Martonchik called and informed Plaintiff that he would be forwarding long-term disability paperwork but refused to provide any information regarding Plaintiff's complaint against Rand.

45. The County never initiated the interactive process to determine whether accommodation was necessary and what the accommodation should be.

46. The County is attempting to saddle the LTD carrier with liability for Plaintiff's workers' compensation injuries and refusing to address Rand's egregious misconduct to avoid (1) accommodating Plaintiff and returning him to work and (2) doing the right thing with respect to Rand.

47. The County's actions constitute an actual or constructive termination of Plaintiff's employment.

**COUNT I – RETALIATION
(Against the Defendant County)**

48. Plaintiff incorporates by reference each of the preceding allegations.

49. Plaintiff engaged in activity protected by 42 U.S.C. § 1981 when he reported to Martonchik and Overton Rand's egregious misconduct on January 17, 2018.

50. Defendant County retaliated against Plaintiff because he reported and opposed Rand's illegal conduct.

51. Defendant County's actual or constructive termination of Plaintiff's employment on this basis violates 42 U.S.C. § 1981.

52. As a proximate result of Defendant County's illegal conduct, Plaintiff has suffered, and will continue to suffer, emotional distress, especially outrage, lost opportunities, loss of reputation, embarrassment and the physical manifestations of these injuries, as well as economic damages.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendant County as follows:

- a. Compensatory damages in whatever amount above \$75,000.00 he is found to be entitled;
- b. An award of lost wages and the value of fringe benefits, past and future;
- c. An award of exemplary and punitive damages;
- d. An award of interest, costs and reasonable attorney fees; and
- e. An order awarding whatever other equitable relief appears appropriate at the time of final judgment.

**COUNT II – RETALIATION
(Against the Defendant County)**

53. Plaintiff incorporates by reference each of the preceding allegations.

54. Plaintiff engaged in protected activity under the Elliott-Larsen Civil Rights Act, 37.2701 when he reported County to Martonchik and Overton Rand's egregious misconduct on January 17, 2018.

55. Defendant County retaliated against Plaintiff because he reported and opposed Rand's illegal conduct.

56. Defendant County's actual or constructive termination of Plaintiff on this basis violates M.C.L.A. 37.2701.¹

57. As a proximate result of Defendant County's illegal conduct, Plaintiff has suffered and will continue to suffer emotional distress, especially outrage, lost opportunities, loss of reputation, embarrassment and the physical manifestations of these injuries, as well as economic damages.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendant County as follows:

- a. Non-Economic damages in whatever amount above \$75,000.00 he is found to be entitled;
- b. Economic damages, including lost wages and the value of fringe benefits, past and future;
- c. An award of interest, costs and reasonable attorney fees; and
- d. An order awarding whatever other equitable relief appears appropriate at the time of final judgment.

**COUNT III
HOSTILE WORK ENVIRONMENT BASED ON DISABILITY
(Against both Defendants)**

58. Plaintiff incorporates by reference each of the preceding allegations.

59. Plaintiff is a person with disabilities, Post Traumatic Stress Disorder and symmetric sensorineural hearing loss, and therefore qualifies for protection under state and federal disability statutes.

¹ Plaintiff will amend his complaint to include a retaliation claim under Title VII of the Civil Rights Act of 1964 upon receipt of a Right to Sue Letter.

60. Plaintiff was subject to the unwelcome hostile, harsh and demeaning harassment described above.

61. The harassment was based on his status as a person with a disability, hearing loss.

62. The harassment unreasonably interfered with Plaintiff's ability to perform his job because it created an intimidating, hostile and offensive work environment.

63. The harassment was sufficiently severe or pervasive that a reasonable person in Plaintiff's position would find Plaintiff's work environment to be hostile and abusive and Plaintiff believed it to be so.

64. Defendants knew of the conduct described above.

65. Defendants failed to take prompt and appropriate remedial action to end the harassment.

66. Defendants' creation and perpetuation of the above described sexually hostile work environment, as well as the termination of Plaintiff's employment, based on his disability, violates the Persons with Disabilities Civil Right, MCLA 37.1101 et seq.²

² Plaintiff will amend the complaint to include an ADA claim upon receipt of his Right to Sue Letter.

WHEREFORE Plaintiff requests that this Court enter judgment against Defendant County as follows:

- a. Non-Economic damages in whatever amount above \$75,000.00 he is found to be entitled;
- b. Economic damages, including lost wages and the value of fringe benefits, past and future;
- c. An award of interest, costs and reasonable attorney fees; and
- d. An order awarding whatever other equitable relief appears appropriate at the time of final judgment.

Respectfully submitted,

/s/ James K. Fett

By: James K. Fett (P39461)

Fett & Fields, P.C.

805 E. Main St.

Pinckney, MI 48169

734-954-0100

jim@fettlaw.com

Attorneys for Plaintiff

Dated: February 9, 2018

Affidavit of Mailing

I hereby certify that on February 9, 2018, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: **not applicable**, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: **not applicable**.

/s/ James K. Fett

James K. Fett (P39461)

Fett & Fields, P.C.

805 E. Main St.

Pinckney, MI 48169

734-954-0100

jim@fettlaw.com

JURY DEMAND

NOW COMES Plaintiff, through her counsel Fett & Fields, P.C., and hereby demands trial by jury in the above-captioned matter.

Respectfully submitted,

/s/ James K. Fett

By: James K. Fett (P39461)

Fett & Fields, P.C.

805 E. Main St.

Pinckney, MI 48169

734-954-0100

jim@fettlaw.com

Attorneys for Plaintiff

Dated: February 9, 2018

Affidavit of Mailing

I hereby certify that on February 9, 2018, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification of such filing to the following: **not applicable**, and I hereby certify that I have mailed by United States Postal Service the paper to the following non-ECF participants: **not applicable**.

/s/ James K. Fett

James K. Fett (P39461)

Fett & Fields, P.C.

805 E. Main St.

Pinckney, MI 48169

734-954-0100

jim@fettlaw.com

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINO JOHNSON,

Plaintiff,

vs.

Case No.

Hon.

**JACKSON COUNTY, and
STEVEN P. RAND, in his individual
and official capacities, jointly and severally,**

Defendants.

Jack W. Schulz (P78078)
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Detroit, MI 48244
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Attorney for Plaintiff

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GOODMAN, HURWITZ
& JAMES PC
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Detroit, Michigan 48207
(313) 567-6170/Fax: (313) 567-4827
kjames@goodmanhurwitz.com
Attorney for Plaintiff

COMPLAINT AND DEMAND FOR TRIAL BY JURY

There is no other civil action pending in this Honorable Court or any other Court arising out of the same transaction and occurrence.

NOW COMES Plaintiff, **LINO JOHNSON**, for his Complaint against Jackson County and Sheriff Steven P. Rand, stating the following:

INTRODUCTION

1. Plaintiff Lino Johnson was employed with the Jackson County Sheriff's Department from February 2015, until he was forced to resign or face termination. On information and belief, Plaintiff was the first and only African-American road patrol officer in the history of the Jackson County Sheriff's Department. The Sheriff's Department, under the control of Defendant Sheriff Steven P. Rand, was an incubator for egregious racism and bigotry. The documented comments and conduct have no place *anywhere*—let alone a Sheriff's department. Sadly, a large portion of this vile behavior and unequal treatment was directed towards the Plaintiff. Plaintiff made internal reports of discrimination, but they fell upon deaf ears.

Ultimately, Defendants made the aggressive move to rid themselves of Plaintiff through trumped up pretextual charges of conduct routinely practice by comparable Caucasian officers or was simply false altogether. Facing imminent termination, Plaintiff resigned rather than have a termination on his record.

Within this Complaint, Plaintiff alleges that he received unequal treatment and was ultimately terminated based on his race in violation to his rights under 42 U.S.C. §2000 et seq., 42 U.S.C. § 1981, and Michigan's Elliot-Larsen Civil Rights Act, M.C.L. § 37.2101 *et. Seq.*

PARTIES

2. Plaintiff Lino Johnson is an African-American individual who was employed with the Jackson County Sheriff's Department and resides in Kent County, Michigan. Plaintiff is highly educated with an Associate's Degree in Law Enforcement, a Bachelor's Degree in Criminal Justice, and a Masters Degree in Public Administration.

3. The Jackson County Sheriff's Department is a department of Defendant Jackson County, a governmental entity.

4. Defendant Steven P. Rand ("Sheriff Rand") is the duly elected Sheriff of Defendant Jackson County. At all times relevant to this lawsuit, Sheriff Rand was an individual and agent of Defendant Jackson County and supervisor of Plaintiff. Upon information and belief, Mr. Rand resides within the Eastern District of Michigan.

5. The amount in controversy exceeds \$75,000.00, exclusive of interest, costs and attorney fees.

JURISDICITON AND VENUE

6. This Court has original jurisdiction of Plaintiff's § 1981 claims pursuant to 28 U.S.C. § 1331.

7. Under 28 U.S.C. § 1367, this Court has supplemental jurisdiction over Plaintiff's state law claims.

8. This Court is the proper venue pursuant to 28 U.S.C. § 1391(b) as all acts and omissions giving rise to this complaint occurred in Jackson County.

GENERAL ALLEGATIONS

9. Plaintiff Lino Johnson (“Plaintiff” or “Mr. Johnson”) is African-American and a member of a protected class based on his race.

10. Plaintiff began working for Jackson County Sheriff’s Department, a department of Defendant Jackson County, as a Road Patrol Deputy on or around February 5, 2015.

11. Upon information and belief, Plaintiff was the first African-American Road Patrol Deputy in the history of the Jackson County Sheriff’s Department and was the only African-American deputy during his employment there.

12. The Jackson County Sheriff’s Department is operated under the direction of its Sheriff, Defendant Steven P. Rand (“Sheriff Rand”).

13. Sheriff Rand is a bigot, with a known animus against, amongst others, African-Americans.

14. Among other things, Sheriff Rand has on multiple occasions referred to African-Americans by vile racial slurs, including “fucking monkeys,” “fuckers,” and “nigger.”

15. Reportedly, Sheriff Rand referred to a former black deputy, believed to be Plaintiff, as a “dumb nigger” in front of other officers during a staff meeting

16. He also said with regard to African-Americans and a former African-American deputy who had been under internal investigation, believed to be Plaintiff, that “we should step on their necks like we used to.”

17. Plaintiff suffered for Sheriff Rand’s racial bigotry.

18. Plaintiff was passed over for specialized trainings (such as tactical patrol rifle training), promotions (such as to Accident Investigator) and special position assignments (such as the rifle team) in favor of Caucasian officers.

19. Plaintiff’s ride-along assignments were limited to African-American occupants.

20. Plaintiff was subjected to disparate scrutiny, investigation and disciplinary practices.

21. Plaintiff complained to superiors that he was not being treated fairly and was being treated differently than his fellow officers.

22. Matters culminated in the spring of 2017, when Plaintiff was put under internal investigation for alleged off-duty misconduct at a local bar.

23. Even though Plaintiff proved that he did not commit the alleged misconduct, the investigation was expanded to include allegations of minor wrongdoing that occurred many months prior (such as a speeding citation) and practices in which white officers engaged (such as using their personal cell phone if needed to document accident or assault injuries).

24. Plaintiff was warned during the investigation that he should resign because discipline was imminent.

25. Plaintiff knew from the context and information that he received that he was about to be terminated.

26. Under threat of imminent termination, Plaintiff resigned his employment from the Sheriff's Department.

27. As a result of Defendants' conduct, Plaintiff suffered substantial harm, including significant financial loss, embarrassment, stress, frustration, and an interruption in his law enforcement career.

28. Further, a Caucasian employee had committed the same violation approximately seven months prior and received only a verbal warning.

COUNT I
(Against Jackson County)
RACIAL DISCRIMINATION - 42 U.S.C. § 1981

29. All preceding paragraphs are incorporated by reference.

30. Plaintiff is a member of a protected minority class.

31. As an employee, Plaintiff had a contractual employment relationship with Defendant Jackson County.

32. Plaintiff was disciplined and faced further discipline, including termination, allegedly engaging in the exact same conduct for which Caucasian employees had received only verbal or written warnings.

33. Plaintiff alleges that he received disparate treatment compared to Caucasian comparators in violation of his right to make and enforce contracts pursuant to 42 U.S.C. § 1981

34. Plaintiff alleges that he was constructively discharged in violation of his right to make and enforce contracts pursuant to 42 U.S.C. § 1981.

35. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss of vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and has incurred attorney fees.

COUNT II
(Against Jackson County)
RETALIATION - 42 U.S.C. § 1981

36. All preceding paragraphs are incorporated by reference.

37. Plaintiff engaged in activity protected by 42 U.S.C. § 1981 when he complained of racial discrimination at various times throughout his employment.

38. Defendants retaliated against Plaintiff because he reported and opposed Defendants' discriminatory conduct.

39. Defendants' actual or constructive termination of Plaintiff's employment on this basis violates 42 U.S.C. § 1981.

40. As a direct and proximate result of Defendant's unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss of vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and has incurred attorney fees.

COUNT III
(Against All Defendants)
RACIAL DISCRIMINATION - ELLIOT-LARSEN CIVIL RIGHTS
ACT, M.C.L. § 37.2101 et. seq.

41. All preceding paragraphs are incorporated by reference.

42. At all relevant times, Plaintiff and Defendants were covered by and within the meaning of the Michigan Elliott-Larsen Civil Rights Act, MCL 37.2101 *et seq.*

43. Defendants treated and disciplined Plaintiff different than similarly situated Caucasian employees.

44. Plaintiff's race was a factor that made a difference in Defendants' decision with work assignments, training, promotions, treatment, and discipline to Plaintiff, including his imminent termination.

45. Defendants actions were intentional, with reckless indifference and in disregard of Plaintiff's rights and sensibilities.

46. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss of

vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

COUNT IV
(Against All Defendants)
RETALIATION - ELLIOT-LARSEN CIVIL RIGHTS ACT,
M.C.L. § 37.2101 et. seq.

47. All preceding paragraphs are incorporated by reference.

48. Plaintiff engaged in protected activity when he opposed discriminatory practices and reported that he believed he was being treated unfairly and differently than his fellow white officers.

49. As a result of Plaintiff's protected activity, Plaintiff received unequal work assignments, treatment, and discipline, including his imminent termination.

50. As a direct and proximate result of Defendants' unlawful actions, Plaintiff has sustained injuries and damages including, but not limited to, loss of pay, loss of vacation and sick days, loss of career opportunities, humiliation and embarrassment, mental anguish and emotional distress, loss of professional reputation, and loss of the ordinary pleasures of everyday life, including the right to pursue gainful occupation of choice and incurred substantial liability for attorney fees.

REQUEST FOR RELIEF

WHEREFORE, Plaintiff requests that this Honorable Court:

- a. Declare that the aforementioned practices and actions of Defendants constitute unlawful practices in violation of § 1981 and the ELCRA;
- b. Award Plaintiff all lost wages and benefits, past and future, to which he is entitled;
- c. Award Plaintiff appropriate equitable relief;
- d. Award Plaintiff compensatory damages;
- e. Award Plaintiff exemplary damages;
- f. Award Plaintiff punitive damages;
- g. Award Plaintiff reasonable attorney fees, costs and interest; and
- h. Award such other relief as this Court deems just and proper.

Respectfully submitted,

By: /s/ Jack W. Schulz

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Attorney for Plaintiff

Kathryn Bruner James (P71374)
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& JAMES PC
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kjames@goodmanhurwitz.com
Attorney for Plaintiff

DATE: July 18, 2018

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LINO JOHNSON,

Plaintiff,

vs.

Case No.

Hon.

**JACKSON COUNTY, and
STEVEN P. RAND, in his individual
and official capacities, jointly and severally,**

Defendants.

Jack W. Schulz (P78078)
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kjames@goodmanhurwitz.com
Attorney for Plaintiff

DEMAND FOR TRIAL BY JURY

Plaintiff Lino Johnson hereby demands for a trial by jury.

Respectfully submitted,

By: /s/ Jack W. Schulz

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DATE: July 18, 2018

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Jackson Citizen Patriot, February 13, 2018

Lawsuit accuses Jackson County Sheriff of discriminatory and racist behavior
WLNS Channel 6, February 13, 2018

Lawyer releases obscene audio he claims proves Jackson sheriff is bigot
Jackson Citizen Patriot, February 14, 2018

Sheriff's office says it will continue to 'serve to highest possible standard'
Jackson Citizen Patriot, February 14, 2018

Lawsuit, criminal investigation into Jackson County Sheriff's Office: What we know so far
Jackson Citizen Patriot, February 14, 2018

Lawyer compares Jackson sheriff's alleged comments to 'Mississippi in 1962'
Jackson Citizen Patriot, February 14, 2018

Leaked audio reveals Michigan cops joking about 'donkey punching' female employees and calling them 'c*nts'
Rawstory, February 14, 2018

Lieutenant accuses 'bigot' sheriff of disgusting behavior in shocking lawsuit
New York Post, February 15, 2018

Jackson Mayor calls for resignation of Sheriff after reports of demeaning comments about African-Americans, women, Hispanics, the LGBT community, and people with disabilities
Press Release, February 16, 2018

Mayor, City Council call for resignation of Jackson County Sheriff
Jackson Citizen Patriot, February 16, 2018

'I'm reaching out to the people I've hurt.' Jackson County sheriff says
Jackson Citizen Patriot, February 16, 2018

'Racist, sexist, anti-gay, Sheriff Rand must go away,' protesters chant
Jackson Citizen Patriot, February 18, 2018

Community leaders react to vulgar comments, allegations against Jackson sheriff
Jackson Citizen Patriot, February 19, 2018

'I deeply embarrassed myself, my department, my family,' sheriff says
Jackson Citizen Patriot, February 19, 2018

Prosecutor calls sheriff's words 'hurtful,' Chamber of Commerce asks sheriff to resign
Jackson Citizen Patriot, February 20, 2018

Governor should remove sheriff if he doesn't resign, Jackson County board decides
Jackson Citizen Patriot, February 20, 2018

Police unions denounce discrimination in wake of Jackson County Sheriff's comments
Jackson Citizen Patriot, February 20, 2018

'I had to do the ethical, and the morally right thing,' lieutenant says
Jackson Citizen Patriot, February 21, 2018

Jackson Co. NAACP calls for sheriff to step down
WLNS News 6, February 22, 2018

Sheriff discharged firearm in office, while secretary was nearby, document says
Jackson Citizen Patriot, February 23, 2018

Jackson County board petitions governor to remove sheriff from office
Jackson Citizen Patriot, February 23, 2018

Jackson officials ask Snyder to remove sheriff from office
Detroit Free Press, February 24, 2018

City joins county in formally asking Gov. Rick Snyder to remove sheriff
Jackson Citizen Patriot, February 28, 2018

Attorney general's office begins review into sheriff, at request of governor's office
Jackson Citizen Patriot, February 28, 2018

AG Investigation Into Jackson County Sheriff Draws Parallels To Resignation Of Detroit Mayor
Michigan Radio, March 1, 2018

Recordings show pattern of crude, degrading comments about women by sheriff and commanders
Jackson Citizen Patriot, March 14, 2018

Police explored allegation of misappropriated funds at sheriff's office
Jackson Citizen Patriot, March 15, 2018

Mayor Dobies pens letter calling for Michigan Civil Rights Commission investigation of Sheriff Rand
Press Release, March 26, 2018

Black leaders oust Jackson sheriff from meeting, call for resignation
Jackson Citizen Patriot, April 14, 2018

Jackson sheriff accused of taking money from jail account to buy \$32,000 SUV
Jackson Citizen Patriot, April 18, 2018

Public forum held regarding Jackson County Sheriff's allegations
WILX News 10, April 19, 2018

Father, friend speak in defense of lieutenant who made sheriff complaint
Jackson Citizen Patriot, April 20, 2018

County may eliminate sheriff's benefits if he doesn't resign by May 1
Jackson Citizen Patriot, April 27, 2018

Jackson County board votes to strip sheriff of benefits
Michigan Radio, May 1, 2018

Embattled sheriff losing vehicle, nearly \$11,000 a year in benefits
Jackson Citizen Patriot, May 1, 2018

New suit alleges Jackson sheriff's office was incubator for racism, bigotry
Jackson Citizen Patriot, July 25, 2018

Jackson leaders frustrated as Sheriff Rand investigation lingers
Jackson Citizen Patriot, July 31, 2018

Jackson sheriff's comments offensive, disturbing and wrong, Bill Schuette says
Jackson Citizen Patriot, July 31, 2018

Snyder, Schuette need to remove Sheriff Rand. Now.
Jackson Citizen Patriot, July 31, 2018

Police looking into further possible criminal actions of Jackson sheriff
Jackson Citizen Patriot, August 17, 2018

Jackson County sheriff accused of being 'multifaceted bigot' may face recall
Jackson Citizen Patriot, October 5, 2018

State board says 'no' to recall petition language for Jackson County sheriff
Michigan Radio, October 8, 2018

Efforts to recall Jackson County Sheriff Steven Rand hit roadblock

Jackson Citizen Patriot, October 8, 2018

Tired of waiting on state, recall campaigners look to oust Jackson County sheriff

Jackson Citizen Patriot, October 23, 2018

More recall language submitted in attempt to oust Jackson County sheriff

Jackson Citizen Patriot, November 14, 2018

Recall effort against Jackson County sheriff moves forward

Michigan Radio, November 26, 2018

Recall against Jackson sheriff set to begin as state approves language

Jackson Citizen Patriot, November 26, 2018

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JACKSON

Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

Posted Feb 13, 2018



Jackson County Sheriff Steven Rand, right, and Undersheriff Christopher Kuhl, middle, show the current visiting area at the Jackson County Jail's Wesley Street location on Tuesday, April 18, 2017. The sheriff is hoping to move to a video visitation system. (J. Scott Park | Mlive.com) (MLive Media Group)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

https://www.mlive.com/news/jackson/2018/02/jackson_sheriff_is_multifacete.html

Editor's note: This story contains profanity and other content that may not be suitable for all audiences.

JACKSON, MI - A federal lawsuit filed by a Jackson County sheriff's lieutenant alleges Sheriff Steven Rand is a "multifaceted bigot" who has insulted blacks, women, and Hispanics and mocked the lieutenant for his work-related hearing loss.

On a daily basis, while in the presence of witnesses, Rand ridiculed Lt. Tommy Schuette by "calling out his name in a voice imitating a deaf or mentally disabled person," states the lawsuit, filed Monday, Feb. 12, in U.S. District Court in Detroit against Rand and Jackson County.

Ad



State police leading criminal investigation of Jackson County Sheriff's Office

Rand also called a former black deputy a "dumb n-----" and a local female judge a "scatter-brained c----," according to the lawsuit, which makes a long list of damning allegations and states many of the slurs are recorded.

With another female county employee, Rand talked of putting together a pornographic movie of a murder: "I always wanted to do a snuff film with her and she could be the star. I would put one in the back of her head as I (ejaculate)," the lawsuit states.

Messages left with Rand on his cell phone at his office were not returned this morning. In a text message, County Administrator Michael Overton said the county had not been served

with the suit.

"I couldn't believe it," Schuette's lawyer, Jim Fett, said of the information Schuette presented, unlike any he had seen in practice or read about in law school. "I have been practicing employment law for 32 years now and it is like I am back in Mississippi in 1962."

These were not isolated incidents, he said. "This is going on every day."

The lawsuit alleges Rand created a hostile work environment for Schuette, harassing him because of his disability, and the county retaliated against Schuette, on health-related medical leave since October, because he reported and opposed "Rand's illegal conduct."



Sheriff's office says it will continue to 'serve to highest possible standard'

In a meeting Jan. 17 with Overton and Human Resources Director Richard Martonchik, Schuette detailed his experience and struggles and the difficulties of others caused by Rand's behavior, the lawsuit states. He played recordings and provided witness information, it states.

"Martonchik and Overton were only minimally interested, and after only a few recordings, Martonchik stated 'OK, we're disgusted and have heard enough,'" according to the lawsuit.

Governor's order, recall are the only options to remove a Michigan sheriff



County Commissioners James "Steve" Shotwell Jr., Rodney Walz, Carl Rice Jr. and Phil Duckham said they could not comment on the lawsuit, Tuesday. The other five commissioners were contacted, but weren't immediately available for comment.

"Even if I was (familiar), I can't talk about it," said Shotwell, the board chairman.

Walz said any allegations against Rand would surprise him. He said he has not seen any inappropriate behavior from Rand.

"We've had acquaintances from a long time ago when I was president of the village of Grass Lake and we worked on contracts with the sheriff for police services in the village of Grass Lake," Walz said. "From a professional standpoint, we've always had a great working relationship."

Schuette, 40, joined the sheriff's office in 1998. He has an "impeccable employment record" and was steadily promoted, lastly to lieutenant in 2013, according to the lawsuit.

"This guy is squeaky clean..." Fett said. "He should not be driven from the workplace because he is doing the right thing."

The lawsuit states he suffers from "sensorineural hearing loss," sustained over time from work-related activities, particularly while a member and then commander of the Jackson County Special Response Team, an elite, tactical unit of the sheriff's office and Jackson Police Department.

Schuetz, charged with overseeing road patrol operations, noticed about four years ago he was having difficulty hearing, especially after the use of explosive stun grenades known as "flash bangs," the lawsuit states. By 2015, he was unable to hear team radio communications and began talking in 2015 or 2016 to Rand about his concerns. "Rand's response was to tell (Schuetz) to 'stop being a pussy,' threaten to demote him... and remind him that he could be fired at any time," the lawsuit states.

In November 2016, he saw a specialist, who found the loss was "more than likely" connected to occupational noise exposure. The report was provided to Martonchik, and Rand "became relentless in his harassment," the lawsuit states. "(Schuetz) continued to perform his duties in an exemplary fashion," according to the lawsuit.

The sheriff's attacks and conduct took its toll in October, requiring Schuetz, to seek medical care and psychological counseling, according to the lawsuit. A therapist diagnosed him with post-traumatic stress disorder and he applied for and received on Oct. 19 up to a 12-week leave under the federal Family Medical Leave Act, the lawsuit states.

Schuetz, who has a role in hiring, has played the "buffer," between current or potential employees. "He doesn't want the sheriff's bigoted attitude to interfere with fair employment processes," Fett said.

"That wears on you."

The county's workers' compensation insurer denied his petition for benefits, and he was eventually granted short-term disability benefits, according to the lawsuit.

The lawsuit contends the county is saddling the long-term disability carrier with liability for Schuetz's workers' compensation injuries. County leadership also is refusing to address Rand's "egregious misconduct" to avoid accommodating Schuetz, returning Schuetz to work and "doing the right thing with respect to Rand," according to the lawsuit.

"The county's actions constitute an actual or constructive termination of (Schuette's) employment," the lawsuit states.

They want him out, Fett argues, "because he is a problem."

Establishing a pattern of alleged derogatory statements, the lawsuit makes further contentions against Rand, appointed in 2011 to replace former Sheriff Dan Heyns, when Heyns left to become head of the Michigan Department of Corrections. Rand was then elected in 2012 and re-elected in 2016.

The following additional allegations outlined in the lawsuit are:

* In September 2017, Rand allegedly asked a Hispanic Jackson police command officer: "Don't you have any gardens to go pick?"

* The sheriff frequently addresses heavy command officers by placing the adjective "fat" before their first names and commonly called Schuette "deaf and dumb" and a "f----- retard." He frequently referenced Schuette and others as a "queer" or a "fag."

* Schuette has a screen shot of a text Rand sent the school liaison deputy as he and Schuette attended a "special needs luncheon" sponsored by a local school district, according to the lawsuit. "Make sure nobody thinks he is one of them and accidentally puts him on the bus," it says.

* In an August 2017 staff meeting, during a discussion of a black deputy under internal investigation, Rand remarked: "We should step on their necks like we used to," the lawsuit states.

* "Rand also made regular sexually inappropriate inquiries to male members of the department about female employees, including two different female deputies."

Schuette is asking for more than \$75,000 in compensatory damages, an award for lost wages and the value of past and future fringe benefits and punitive damages.

He has suffered emotional distress, especially outrage; lost opportunities; loss of reputation; and embarrassment, according to the lawsuit.

"As strong as I have ever seen," Fett said of Schuette's case.

When asked about whether Schuette would like to return to work, Fett said: "Obviously, something has got to happen with regards to the sheriff being there. The sheriff is a pretty vindictive individual.

"I don't know if it would be possible from a personal standpoint for him to return if the sheriff continues to be sheriff."

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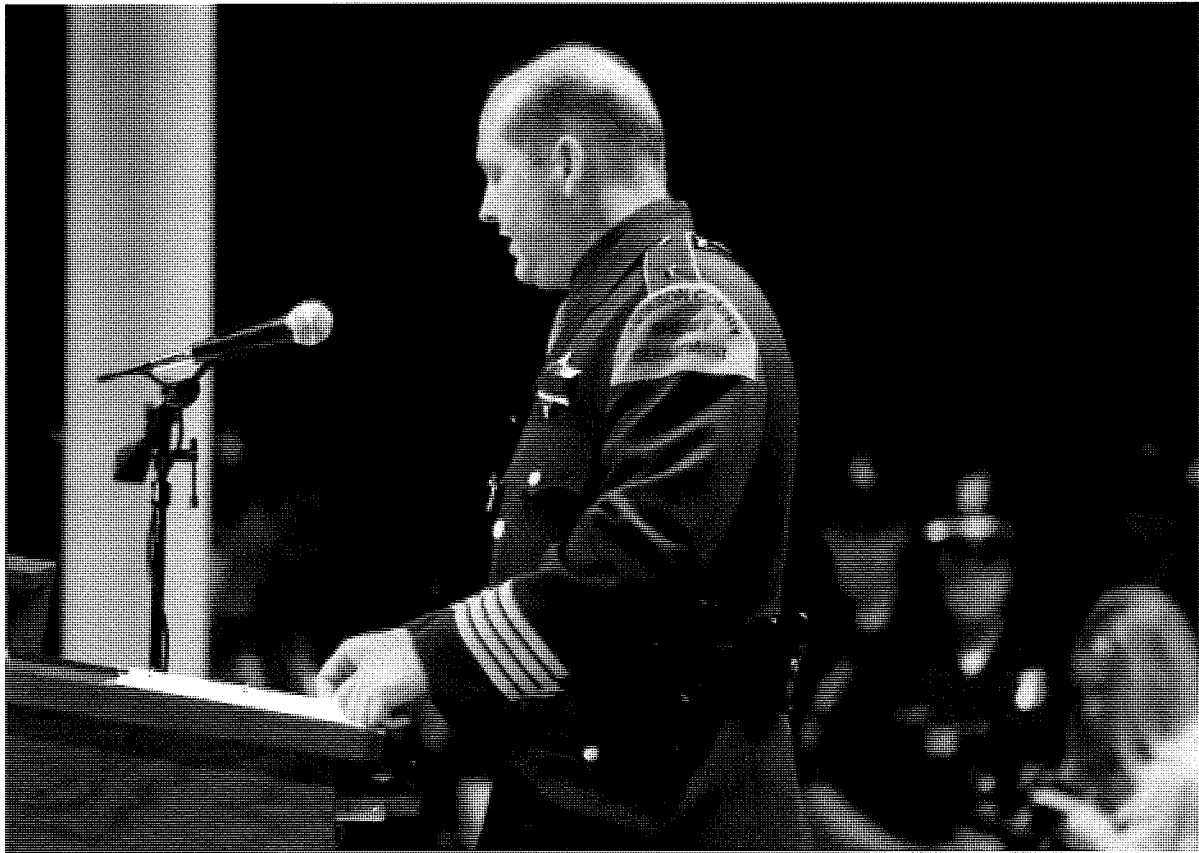
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State police leading criminal investigation of Jackson County Sheriff's Office

Posted Feb 13, 2018



Jackson County Sheriff Steve Rand has been described as a "multifaceted bigot" in a federal lawsuit.(J. Scott Park)

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By Nathan Clark | nclark1@mlive.com

JACKSON, MI - MICHIGAN STATE POLICE have confirmed they are investigating the Jackson County Sheriff's Office, but say it is not connected to a federal lawsuit filed this week by a deputy.

Citing their ongoing investigation, police declined to reveal the nature of the criminal investigation, but clarified it is not connected to the lawsuit filed Feb. 12, accusing Sheriff Steve Rand and the county of discrimination and creating a hostile work environment.

The lawsuit, filed by Lt. Tommy Schuette, alleges Rand is a "multifaceted bigot" who insulted blacks, women and Hispanics and mocked Schuette for his work-related hearing loss.

Jackson County Prosecutor Jerry Jarzynka said he was shocked by the recent allegations and was unaware this morning of the pending criminal investigations regarding Rand and the Sheriff's Office.

If charges were to result from the investigation, Jarzynka said he will petition the Michigan Attorney General's Office for a special prosecutor to be assigned to a case to avoid a perceived conflict of interest.

Jackson County Administrator Mike Overton also declined to elaborate on the ongoing investigation, but confirmed he was aware state police were looking into a criminal matter at the Sheriff's Office.



County 'shocked' by 'abhorrent' allegations against Jackson sheriff

"The reason I hadn't said anything to anyone - commissioners or anyone else - is because it's a criminal matter and I was instructed not to," Overton said. "But now that it's a public matter, I've informed the commissioners what's going on. But at this point, it's still a criminal matter under investigation by the Michigan State Police. I'm not at liberty to go into those details."



Governor's order, recall are the only options to remove a Michigan sheriff

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County 'shocked' by 'abhorrent' allegations against Jackson sheriff

Posted Feb 13, 2018



Jackson County Sheriff Steve Rand has been described as a "multifaceted bigot" in a federal lawsuit.(J. Scott Park)

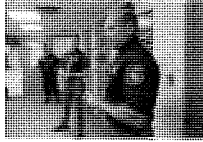
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By Taylor DesOrmeau | tdesorme@mlive.com

JACKSON, MI - Jackson County officials deny any wrongdoing in a federal lawsuit filed against the county and Sheriff Steven Rand.

The lawsuit, filed by Lt. Tommy Schuette, alleges Rand is a "multifaceted bigot" who insulted blacks, women and Hispanics and mocked Schuette for his work-related hearing loss.



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

"Jackson County, like the public, is as shocked as anyone by these stunning allegations," the release states, in reference to the civil allegations.

The county had no knowledge of the situation before Jan. 17, the release states. Officials then immediately referred the matter to the Michigan State Police and Attorney General for an independent criminal investigation, according to the release.



State police leading criminal investigation of Jackson County Sheriff's Office

The lawsuit mentions the Jan. 17 meeting between Schuette, County Administrator/Controller Mike Overton and Human Resources Director Richard Martonchik. Schuette played recordings from Rand and provided witness information, the lawsuit states.

The lawsuit states they were only "minimally interested" and that Schuette never heard back from Overton or Martonchik.

Overton was instructed by the Michigan State Police not to go into details into the criminal investigation, he said Tuesday.



Governor's order, recall are the only options to remove a Michigan sheriff

"The reason I hadn't said anything to anyone - commissioners or anyone else - is because it's a criminal matter and I was instructed not to," Overton said. "But now that it's a public matter, I've informed the commissioners what's going on. But at this point, it's still a criminal matter under investigation by the Michigan State Police"

Language from the lawsuit states Jackson County is saddling the long-term disability carrier with liability for Schuette's workers' compensation injuries.

County leadership also is refusing to address Rand's "egregious misconduct" to avoid accommodating Schuette and returning him to work and "doing the right thing with respect to Rand," according to the lawsuit.

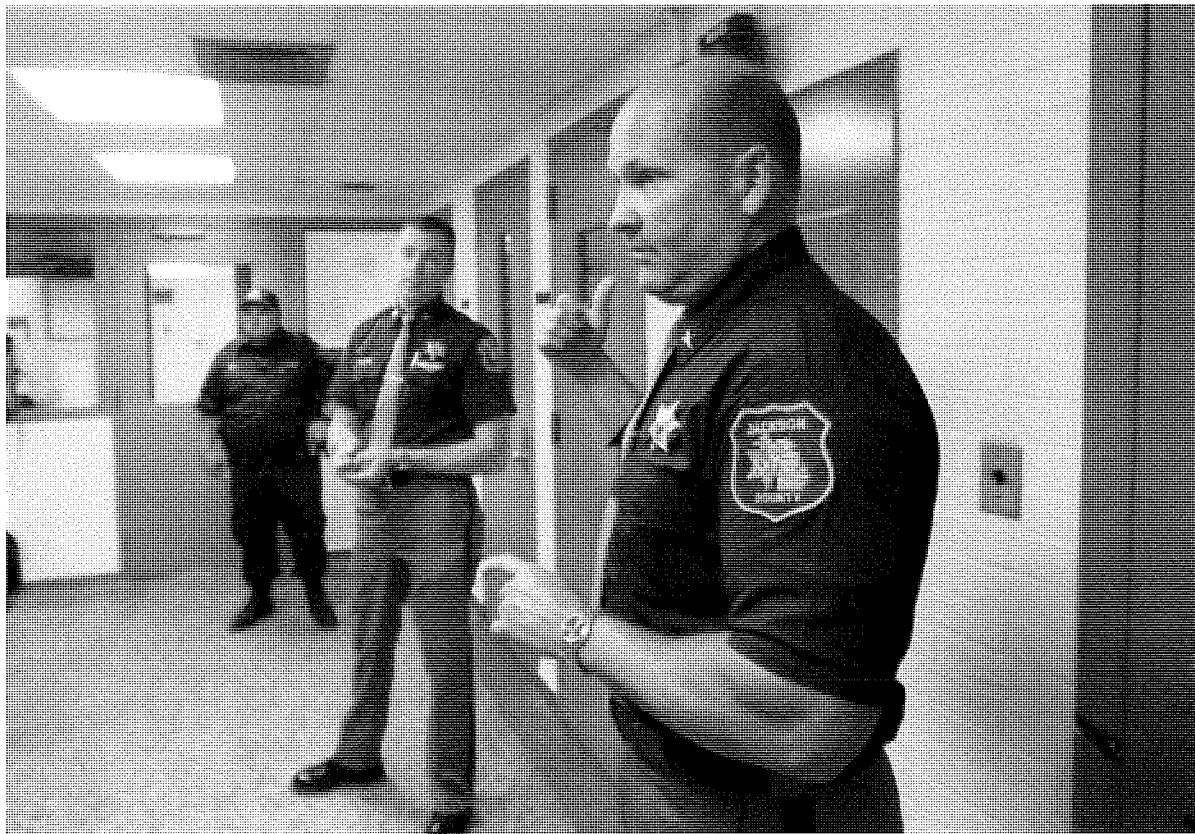
While the county funds operations for the Sheriff's Office, it has "no legal source of authority to discipline the sheriff or his staff," according to the release.

"The County vehemently denies any wrongdoing associated with the events alleged in the lawsuit about the Sheriff's Office," the release states. "The allegations, if true, are absolutely abhorrent and represent conduct that is repugnant to Jackson County's commitment as clearly set out in its many employment policies and practices."

JACKSON

Governor's order, recall are the only options to remove a Michigan sheriff

Posted Feb 13, 2018



Short of his resignation, it would require a removal order issued by the governor or a successful recall election to remove Jackson County Sheriff Steven Rand from office, officials said. (MLive Media Group)

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By Gus Burns | fburns@mlive.com

JACKSON, MI -- If Jackson County Sheriff Steven Rand is believed to be the "multifaceted bigot" a recent lawsuit accuses him of being, and the public loses faith in him, there are only two possible ways to force him out of office.

Short of his resignation, it would require a removal order issued by the governor or a successful recall election.

A lawsuit filed by Tuesday by Lt. Tommy Schuette alleges he has evidence, including text messages, voice recordings and witnesses, to support claims Rand insulted blacks, women and Hispanics, and mocked Schuette for his work-related hearing loss while on the job.

"The bottom line is: It's not easy to remove an elected official from office, nor should it be," says Eric Luper, president of the Citizens Research Council of Michigan in Livonia, who's studied Michigan's state, county and local government for 30 years.

Luper said, when it comes to removing an elected city official, there is often more leeway because of ordinances establishing rules of conduct. But at the county level, that doesn't exist.

The county commission has little power beyond casting a no-confidence vote, which is just a vote communicating that the body has lost faith in its leader.

Gov. Rick Snyder, since becoming governor in 2010, has never removed a locally elected official or initiated removal proceedings against a county official, said Anna Heaton, a spokeswoman from the governor's office.

She said anyone may request the governor consider removing a county official. The process looks like this, according to Heaton:

- A formal request for removal is sent to the governor's office, along with support for the removal.
- The request and support documents are then forwarded to the state Attorney General's Office.
- The Attorney General's Office reviews the claim to ensure it meets the legal definition of
- A recommendation as to whether removal of office charges should proceed is forwarded to the governor's office.
- If the governor wishes to proceed, a hearing is set for the elected official. There is no prescribed timeline for this to occur.

Lupher said the last time he is aware of a state governor pursuing removal of an elected official it was Gov. Jennifer Granholm, who scheduled a hearing related to the removal of Detroit Mayor Kwame Kilpatrick. Kilpatrick resigned in 2008 before the removal hearing could occur.

For a recall election to occur, a citizen must present recall petition language to the Jackson County Election Commission. The commission then has 10 to 20 days to conduct a hearing to determine if the language in the petition is clear, factual and accurate.

Once the language is approved, the sponsor has 180 days to file the recall, but must collect all of the signatures within a 60-day span.

The number of signatures to force a recall election must equal 25 percent of the total votes cast in the previous election. Rand was appointed in 2011, was elected to his first 4-year term in 2012 and won an unopposed re-election in 2016.

There were a total of 54,424 votes cast for sheriff, meaning it would require 13,606 petition signatures to force a recall election.

As far as recall elections, the Citizens Research Council commenced a study on the topic that was published in 2012. The report identified 457 recall elections held in Michigan

since 2000. About 46 ended with a successful recall of the official and only 2 percent, fewer than 10 elections, dealt with county officials.

Michigan Sheriff's Association Executive Director Blaine Koopf, who was the sheriff of Allegan County for 16 years, said he's unaware of any Michigan sheriff ever being forced from office, either by the governor or a recall election, in at least the last 17 years, the time frame he's paid attention.

"It's extremely rare," the 42-year- lawman said.

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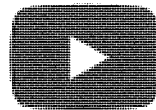
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Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

Posted Feb 14, 2018

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By Danielle Salisbury | Danielle_Salisbury@mlive.com



JACKSON, MI - The lawyer for a lieutenant who filed a lawsuit this week against Sheriff Steven Rand and Jackson County has released a list of recordings made by sheriff's Lt. Tommy Schuette, who contends Rand is a "multifaceted bigot."

Among them are derogatory mentions of employees, several of them targeting women, in staff meetings or other conversations with or involving the sheriff.

The audio was provided to MLive.com by attorney James K. Fett, who represents Schuette in the federal lawsuit. Fett provided the recordings to illustrate support for his client's claims against the sheriff. The audio has not been independently verified by MLive.com.

Responding to messages, Rand reached out to a reporter Wednesday. "There is not much I can tell you. I have not had the opportunity to speak with any legal counsel yet, nor have I seen the full allegations in the lawsuit," he said in a voicemail and did not answer a return call. "It would completely imprudent of me to even make any comment at this time."



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

Here are some excerpts of the recordings:

- "I'd definitely (inaudible) on that. That's so f----- hot... I wouldn't want to get a picture of my dick and you know, send it to the wife. Can you blame me?" Rand said of a female court employee.

- At a different time, about the same employee, he says, to Schuette: "You just realized she is a f----- c----. She realizes she is really hot." Schuette says she did not acknowledge him at a tournament. Others share similar experiences. Someone suggests she is shy. "That is c-- -. is pure c---," a man says.

- Or another woman employee at the courthouse, Rand said to a commander: "Are you t----- her....?" Someone said he would "stick it in her a-- as far as I could." The sheriff responds: "About 15 years ago I would have." And he continues: "Although I always joked with (a former commander)... I wanted to make a snuff film with her. She is gonna be the star."

"Shoot her right in the back of the head when I (inaudible) my load."

Another voice says: "Donkey punch her."

Laughter follows. "C---."

- Schuette is talking about extending an employment offer to a woman. Someone else makes a note, saying her "a-- is phenomenal."

"What about the rest of her?" Rand says.

Schuette goes on to say she was confident and interviewed well, and Rand stops him. "Tell me more Tommy."

- In separate clip, of a female county judge taking a leadership role, Rand says: "The other plate spinning up there is (name redacted) becoming the chief circuit court judge, which is apparently in the works, and that she may want to do it. She will f--- it all up, because she is a scatter-brained c---."

- As Schuette, who has hiring responsibilities, talks about a terminated black employee, Rand says: "I thought you gingers stuck together with the blacks."

Another voice says: "You kept saying they're your people."

- Rand is recorded calling Schuette a "queer." There are some inaudible comments and he eggs on Schuette. "I think you would. I think you should try it. In fact, let's turn the lights down... Come on Tommy. You know you want to."

Schuette responds: "C---"

Schuetz responds: "So gross."

Rand says: "You know you want to."

Jackson County Undersheriff Chris Kuhl circulated a statement Wednesday, in response to the lawsuit: "Jackson County Office of the Sheriff asks for the public's patience and will continue to serve the community to the highest possible standard without regard to race, ethnicity, sexual preference or identity."

The county, as news of the lawsuit broke, did the same: "The County vehemently denies any wrongdoing associated with the events alleged in the lawsuit... The allegations, if true, are absolutely abhorrent and represent conduct that is repugnant to Jackson County's commitment as clearly set out in its many employment policies and practices."

Many of the provided recordings are short snippets or highlights. There also are longer recordings of meetings that address various sheriff's office concerns, including funding, hiring, contract negotiations, school liaison officers, jail issues and other topics. At times, it is clear those involved in the conversation are making, or taking, comments as jokes. Often, there is laughter.



State police leading criminal investigation of Jackson County Sheriff's Office

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Sheriff's office says it will continue to 'serve to highest possible standard'

Posted Feb 14, 2018



In this file photo, Jackson County Sheriff Steve Rand delivers the closing remarks during the Jackson Law Enforcement Memorial at Bucky Harris Park in downtown Jackson. (Mike Mulholland | MLive.com)(MLive Media Group)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - The Jackson County Sheriff's Office has released a brief statement in response to a lawsuit filed by a lieutenant alleging the sheriff is a "multifaceted bigot."

"Given that we have not had the opportunity to review these allegations nor had the advice of legal counsel in reference to this matter we cannot respond to any specific questions regarding the lawsuit at this time," reads the statement, sent by email Wednesday by Undersheriff Chris Kuhl.

"Jackson County Office of the Sheriff asks for the public's patience and will continue to serve the community to the highest possible standard without regard to race, ethnicity, sexual preference or identity."

It continues: "The sheriff's office appreciates the communities' support for the men and women of this organization that carry out its good works every day."

Sheriff Steven Rand also reached out to a reporter Wednesday. "There is not much I can tell you. I have not had the opportunity to speak with any legal counsel yet, nor have I seen the full allegations in the lawsuit," he said in a voicemail and did not answer a returned call. "It would completely imprudent of me to even make any comment at this time."



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

Rand had not made any public statement since news broke Tuesday, Feb. 13, about the lawsuit, filed Monday in U.S. District Court in Detroit.

It alleges Rand created a hostile work environment for Lt. Tommy Schuette, harassing him because of his disability, and the county retaliated against Schuette, on health-related

medical leave since October, because he reported and opposed "Rand's illegal conduct."

Schuetz and his lawyer contend Rand has insulted blacks, women, and Hispanics and mocked the lieutenant for his work-related hearing loss.

Rand also called a former black deputy a "dumb n-----" and a local female judge a "scatter-brained c---," according to the lawsuit, which makes a long list of damning allegations. Some of the slurs and offensive comments are recorded.



Governor's order, recall are the only options to remove a Michigan sheriff



State police leading criminal investigation of Jackson County Sheriff's Office

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Lawsuit, criminal investigation into Jackson County Sheriff's Office: What we know so far

By [Nathan Clark](#) | nclark1@mlive.com



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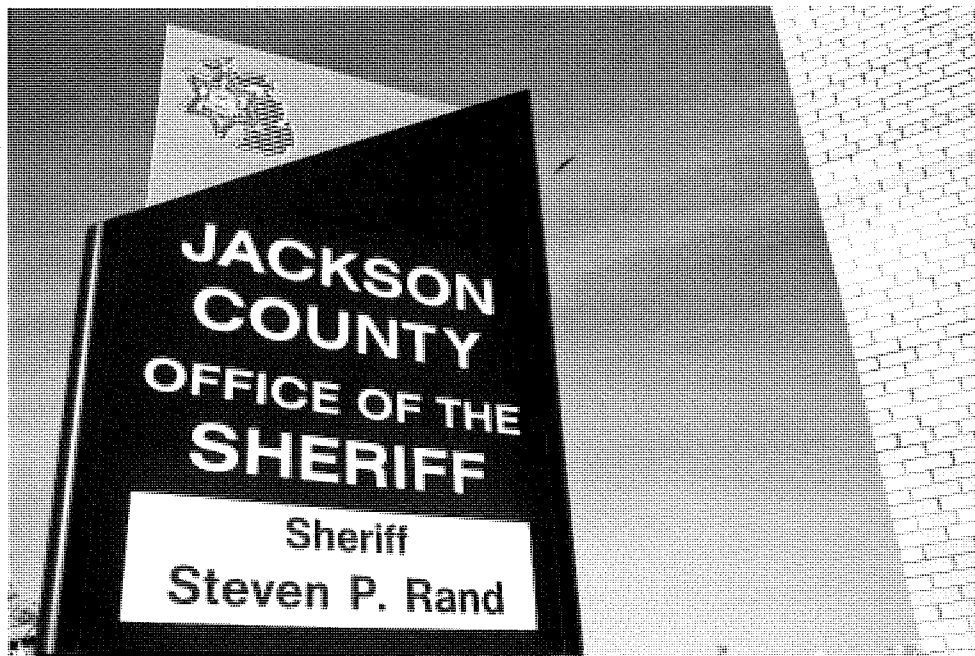
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A federal lawsuit was filed Monday, Feb. 12, against Jackson County Sheriff Steven Rand and the county alleging Rand is a "multifaceted bigot."

Though the case is still developing, here's what we know so far.

Who is Tommy Schuette?

Lt. Tommy Schuette, 40, who filed the suit, joined the sheriff's office in 1998. He has an "impeccable employment record" and was steadily promoted, lastly to lieutenant in 2013, according to the lawsuit. His hearing loss developed while using flash bang grenades while serving on the county's special response team, according to the lawsuit.



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What does the lawsuit claim?

The federal lawsuit claims Rand is a "multifaceted bigot" who has insulted blacks, women, gays and Hispanics and mocked Schuette for his work-related hearing loss.

Rand also called a former black deputy a "dumb n-----" and a local female judge a "scatter-brained c----," according to the lawsuit, which makes a long list of damning allegations and states many of the slurs are recorded.



Why was the lawsuit filed?

The lawsuit claims Rand created a hostile work environment for Schuette, harassing him because of his disability, and the county retaliated against Schuette, placing him

on health-related medical leave since October, because he reported and opposed "Rand's illegal conduct."

When was the county made aware of the allegations?

Jackson County Administrator Mike Overton and Human Resources Director Richard Martonchik had a meeting with Schuette Jan. 17 to discuss the allegations, the lawsuit claims.

Martonchik and Overton were only "minimally interested" after Schuette played audio recordings of Rand, according to the lawsuit. The county has since declined to speak about the lawsuit or Rand's recorded remarks.



Courtesy photo

What are the state police investigating?

The Michigan State Police confirmed it's investigating a criminal complaint filed against the sheriff's office, but declined to elaborate on the nature of the complaint. State police said the investigation is ongoing and will not release further details.

Are the criminal investigation and the lawsuit connected?

Though Michigan State Police declined to elaborate on what is being investigated, they did clarify that the criminal investigation is not connected to the lawsuit in any way.

What can Jackson County Commissioners do about this?

On the surface, not much. Commissioners could have a vote of no confidence for Rand, but that would not force him out of office.

Because Rand is an elected official, only a recall election or an order signed by the governor can remove him. Or he could resign.

What is the county's reaction to this?

Jackson County Administrator/Controller Mike Overton said county officials were shocked to learn of the accusations listed in the lawsuit. Overton said he was not aware of the situation before the Jan. 17 meeting with Schuette and his attorney.

What would happen if charges are issued in the state police investigation?

If charges are forthcoming from the state police investigation, Jackson County Prosecutor Jerry Jarzynka said he will petition the Michigan Attorney General's Office for a special prosecutor to be assigned to a case to avoid a perceived conflict of interest.

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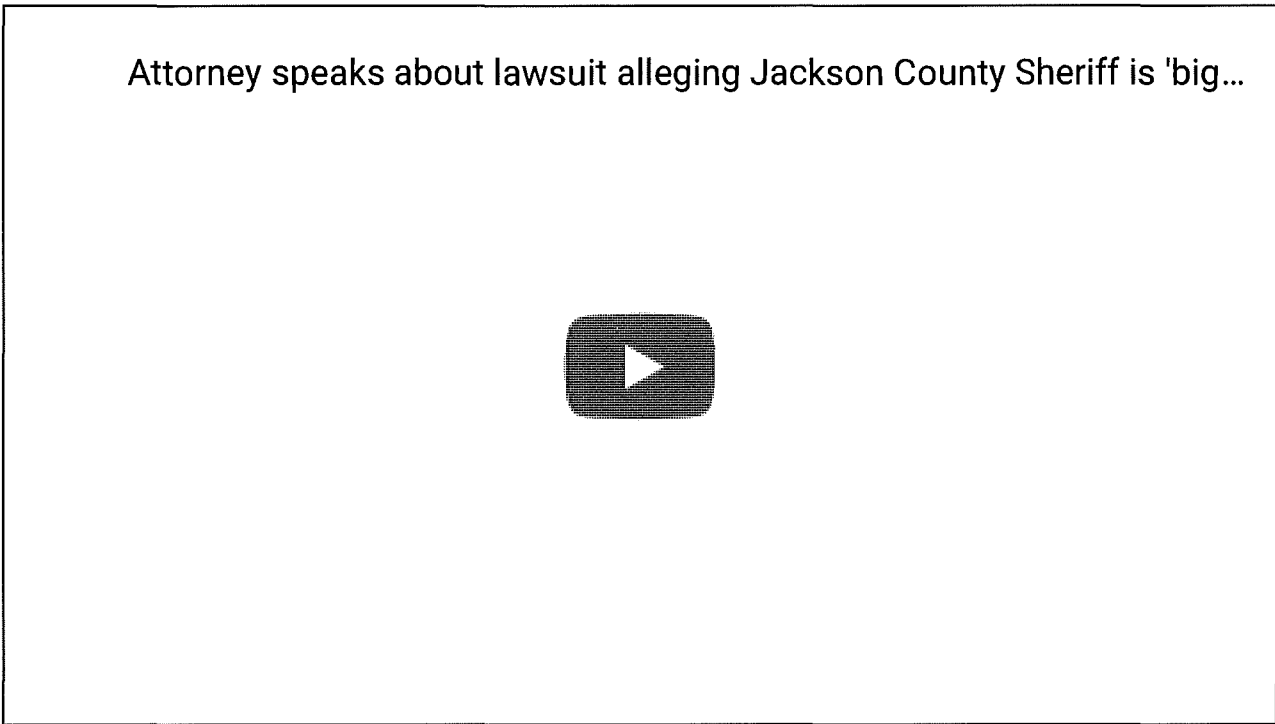
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Lawyer compares Jackson sheriff's alleged comments to 'Mississippi in 1962'

Posted Feb 14, 2018



Attorney speaks about lawsuit alleging Jackson County Sheriff is 'bigot'

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - An attorney for a lieutenant who filed a lawsuit Monday against Sheriff Steven Rand and Jackson County said the case shows there is still good reason to be vigilant in enforcing civil rights law.

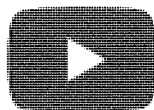


"I've never seen anybody that has such a breadth of prejudice," Jim Fett said Tuesday and compared the information to "Mississippi in 1962."

Fett is representing Lt. Tommy Schuette, a 20-year veteran of the sheriff's office. He alleges the sheriff mocked him for his hearing loss and routinely made derogatory comments about women, Hispanics, blacks and gays. Because he opposed and exposed the sheriff, he is experiencing retaliation, the lawsuit contends.

"I'd definitely (inaudible) on that. That is so f----- hot... I wouldn't want to get a picture of my dick and you know, send it to my wife. Can you blame me?" Rand allegedly says of a court employee in one recording taken by Schuette.

Jackson County needs to "do the right thing," law...



In separate clip, of a female county judge taking a leadership role, Rand allegedly says: "She will f--- it all up, because she is a scatter-brained c---."



During another conversation, as Schuette talks about a terminated black employee, Rand says: "I thought you gingers stuck together with the blacks."

The lawyer released these and other audio recordings he said Schuette had taken or Rand speaking at staff meetings or during other conversations or encounters. The audio recordings have not been verified by MLive.com, and they have not been presented in court. Fett said he believes they were captured in the last six to eight months.

Schuette did so to collect indisputable information about the sheriff's behavior, Fett said, because he believed the sheriff, if confronted, might lie. "What he did is fine," Fett said. "And he had a good reason for it."

Rand did not respond Tuesday to multiple requests for comment, about the lawsuit or the recordings.

The county, Fett said, needs to clean up the work environment. "I would like to see the county of Jackson do the right thing, that is the right thing with regard to the sheriff."

Schuette presented the recordings in January to Jackson County Administrator Michael Overton and Human Resources Director Richard Martonchik. It was a meeting that took two weeks to arrange, according to the lawsuit.

At the time, Schuette was on a health-related leave. He had been diagnosed with post-traumatic stress disorder, in addition to the hearing loss, which the lawsuit links to his work as commander of the Jackson County Special Response Team, a tactical unit of the sheriff's office and Jackson Police Department that uses explosive stun grenades.

A specialist in November 2016 determined the issues with his hearing were likely related to "occupational noise exposure," He was stripped of his uniform and he continued his duties overseeing road patrol operations, Fett said.

It was only after Schuette went to the county with concerns about the sheriff that his ability to do his job came into question, Fett alleges.

"The... did... this... but... to... resolve... disability... relative..." Fett said of a county... lead... death...

"They did nothing but try to make a disability claim," Fett said of county leadership.

"...Martonchik called and informed (Schuette) that he would be forwarding long-term disability paperwork but refused to provide any information regarding (Schuette's) complaint against Rand," states the lawsuit.

In a statement, the county "vehemently" denied any wrongdoing and is as "shocked as anyone by these stunning allegations."

The contentions, if true, are "absolutely abhorrent and represent conduct that is repugnant to Jackson County's commitment as clearly set out in its many employment policies and practices," the statement reads.

The lawsuit contends the county is saddling the long-term disability carrier with liability for Schuette's workers' compensation injuries.

Fett said the county has an obligation to accommodate Schuette, who has competently done his job as lieutenant despite his disability. His mental health concern can be addressed, Fett said. "The County never initiated the interactive process to determine whether accommodation was necessary and what the accommodation should be," according to the lawsuit.

The situation has been "real hard" on Schuette, who has spent his life in law enforcement. Former sheriff Hank Zavislak hired him in 1998.

He came to Fett with more altruistic motives than most, the lawyer said. Morally and emotionally, he could not continue and say nothing.



Among the "rank and file" Schuette has support, because he is a "good guy" who always protects his people, Fett said. Already Tuesday, within hours of the publication of a story on the lawsuit, he had hundreds of phone calls, according to his lawyer.

It would have been futile to address his issues with Rand's conduct directly with the sheriff, Fett said. Rand had reminded Schuette that he could be fired at any time. He called him a "pussy" and threatened to demote him when he reported his hearing loss, the lawsuit states.

Employees are "petrified" of the sheriff, the lawyer said. It is a paramilitary organization. They are expected to follow orders without question. "And they usually do."



State police leading criminal investigation of Jackson County Sheriff's Office

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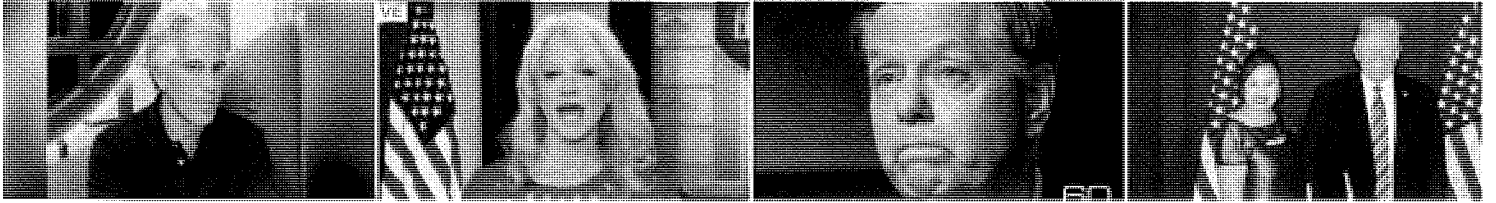
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Leaked audio reveals Michigan cops joking about 'donkey punching' female employees and calling them 'c*nts'



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Jackson County Sheriff Steven Rand (Screen cap).

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A lawyer representing a lieutenant who is suing Jackson County Sheriff Steven Rand on Wednesday released a series of audio recordings showing Rand and other officers making crude sexual comments about female county employees.

MLive.com reports that the recordings were made by sheriff's Lt. Tommy Schuette, who is filing the suit against the sheriff – a man he claims is a “multifaceted bigot.”

Among other things, the recordings show Rand and other officers in the Jackson County Sheriff's Department calling one female court employee a “c*nt” for not talking with them; making jokes about making a “snuff film” in which they “donkey punch” the

“There is not much I can tell you,” he said. “I have not had the opportunity to speak with any legal counsel yet, nor have I seen the full allegations in the lawsuit... It would be completely imprudent of me to even make any comment at this time.”

Jackson County itself has denied any allegations of wrongdoing leveled against it in the lawsuit, although it says it is disturbed by the allegations made against Rand.



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“The allegations, if true, are absolutely abhorrent and represent conduct that is repugnant to Jackson County’s commitment as clearly set out in its many employment policies and practices,” the county said.

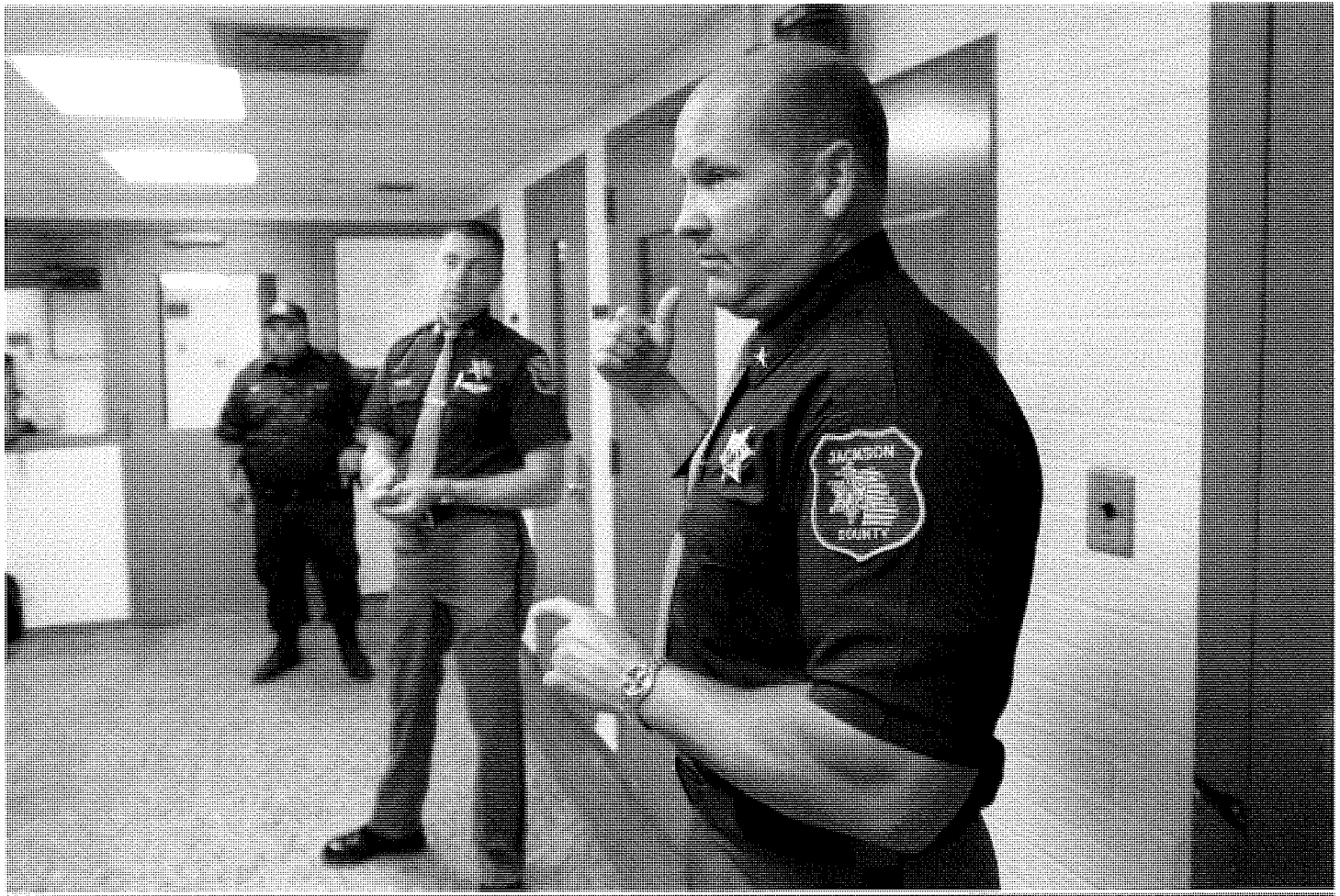
Listen to the audio below.

NEWS

Lieutenant accuses 'bigot' sheriff of disgusting behavior in shocking lawsuit

By Joshua Rhett Miller

February 15, 2018 | 12:43pm | Updated



Jackson County Sheriff Steven Rand

AP

A sheriff in Michigan is an equal-opportunity, "multifaceted bigot" who has targeted women, blacks, Hispanics and a lieutenant who suffered from work-related hearing loss, a federal lawsuit claims.

Jackson County Sheriff's Lt. Tommy Schuette filed a lawsuit Monday in US District Court in Detroit against Sheriff Steven Rand and Jackson County, alleging that Rand insulted him on a daily basis by "calling out his name in a voice imitating a deaf or mentally disabled person," according to MLive.com.

The lawsuit also accuses Rand of calling a former black deputy a "dumb n—r" and a female judge a "scatter-brained c—t," according to the lawsuit and purported audio recordings provided to the website by Schuette's attorney. The recordings, which were not independently verified by MLive.com, contain references to a "snuff film" and derogatory comments about women, minorities and homosexuals.

"Are you f—king her?" Rand said to a commander in reference to another female courthouse employee, according to recordings provided by attorney James Fett to the website.

Another man then said he would "stick it in her ass as far as I could," prompting Rand to agree, according to the recording.

"About 15 years ago I would have," Rand replied. "Although I always joked with a [former commander] ... I wanted to make a snuff film with her. She is gonna be the star. Shoot her right in the back of the head when I [inaudible] my load."

In another clip, when speaking about a county judge, Rand said: "The other plate spinning up there is [redacted] becoming the chief circuit court judge, which is apparently in the works, and that she may not want to do it. She will f—k it all up, because she is a scatter-brained c—t."

Rand was also recorded calling Schuette a "queer" in yet another clip before seemingly suggesting that the lieutenant was interested in him sexually.

"I think you would," Rand told Schuette. "I think you should try it. In fact, let's turn the lights down ... Come on, Tommy. You know you want to."

"So gross," Schuette replied, according to the recording.

"You know you want to," Rand said in response.

Rand did not return a message seeking comment from The Post on Thursday, but declined to comment in a voicemail to a reporter, MLive.com reports.

"There is not much I can tell you," Rand said. "I have not had the opportunity to speak with any legal counsel yet, nor have I seen the full allegations in the lawsuit."

In a statement released Wednesday, Jackson County Undersheriff Chris Kuhl asked for patience on behalf of the public and said the department would continue to serve the community regardless of their race, ethnicity or sexual preference.

County officials, meanwhile, "vehemently" denied any wrongdoing associated with the allegations.

"The allegations, if true, are absolutely abhorrent and represent conduct that is repugnant to Jackson County's commitment as clearly set out in its many employment policies and practices," Jackson County officials said.

Schuette, 40, joined the sheriff's department in 1998 and has an "impeccable employment record," according to the lawsuit. He suffers from hearing loss due to exposure to stun grenades while working on a county special response team.

Schuette claims Rand insulted him in 2015-16 when he told his boss about his condition and reminded him that he could lose his job without warning.

"Rand's response was to tell [Schuette] to 'stop being a pussy,' threaten to demote him ... and remind him that he could be fired at any time," according to the lawsuit, which also claims Rand frequently addressed overweight officers with the word "fat" before their first names and regularly called Schuette a "f—king retard."

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Jackson Mayor calls for resignation of Sheriff after reports of demeaning comments about African-Americans, women, Hispanics, the LGBT community, and people with disabilities



Derek Dobies

Feb 16, 2018 · 3 min read



In response to growing citizen concern over reports of derogatory comments made by Jackson County Sheriff Steve Rand, City of Jackson Mayor Derek Dobies today released the following statement:

As public officials we swear oaths to follow the law and are charged with keeping the public trust. Everyone deserves due process under the law, but determining breaches of the public trust means publicly evaluating the respect a public servant has demonstrated for the office and power bestowed upon them.

When a law enforcement officer swears an oath, puts on a uniform, and pins on their badge, they are

charged with enforcing the law in the most unbiased, respectful, and ethical manner possible. Jackson County's chief law enforcement officer should be held to the very highest standard.

Anytime a public servant not only allows their office to be a haven to degrade and demean African-Americans, women, Hispanics, the LGBT community, and people with disabilities, but directly participates and encourages that behavior, it erodes the public trust. When an officer of the law speaks about using their weapon to murder a woman for sexual gratification, that trust is gone.

To fight crime in Jackson County, it's crucial that police and our community can trust each other and work together. We are frustrated that these comments will certainly obstruct that aim.

That's why we believe it's in the best interest of our community and Jackson law enforcement for Sheriff Rand to resign his office so that we can restore public trust and get on to serving all people.

Last year, we worked hard towards building a more tolerant, inclusive community—one that views diversity as a strength and gives no quarter to discrimination. We shouldn't allow anyone—not even the most powerful among us—to stand in the way of that progress.

Background/Updates:

- [Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states](#)
- [County 'shocked' by 'abhorrent' allegations against Jackson sheriff](#)
- [Sheriff's office says it will continue to 'serve to highest possible standard'](#)
- [State police leading criminal investigation of Jackson County Sheriff's Office](#)
- [Governor's order, recall are the only options to remove a Michigan sheriff](#)
- [Lawsuit, criminal investigation into Jackson County Sheriff's Office: What we know so far](#)
- [Lawyer compares Jackson sheriff's alleged comments to 'Mississippi in 1962'](#)
- [Leaked audio reveals Michigan cops joking about 'donkey punching' female employees and calling them 'c*nts'](#)
- [Lawsuit accuses Jackson County Sheriff of discriminatory and racist behavior](#)
- [Lieutenant accuses 'bigot' sheriff of disgusting behavior in shocking lawsuit](#)
- ['I deeply embarrassed myself, my department, my family,' sheriff says](#)
- ['I'm reaching out to the people I've hurt,' Jackson County sheriff says](#)
- ['Racist, sexist, anti-gay, Sheriff Rand must go away,' protesters chant](#)
- [Community leaders react to vulgar comments, allegations against Jackson sheriff](#)
- [Prosecutor calls sheriff's words 'hurtful,' Chamber of Commerce asks sheriff to resign](#)
- [Governor should remove sheriff if he doesn't resign, Jackson County board decides](#)

JACKSON

Mayor, City Council call for resignation of Jackson County Sheriff

Posted Feb 16, 2018



A view of City Hall and the Jackson County Tower Building in downtown Jackson.(Jake Crandall)

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By [Taylor DesOrmeau | tdesorme@mlive.com](#)

JACKSON, MI - The Jackson City Council is calling for the resignation of Jackson County Sheriff Steven Rand, in light of a federal lawsuit filed this week alleging Rand is a "multifaceted bigot."

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Rand and Jackson County are being sued by Lt. Tommy Schuette, who alleges

Rand mocked him for his work-related hearing loss. The suit also alleges Rand has insulted blacks, women, and Hispanics.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

"Anytime a public servant not only allows their office to be a haven to degrade and demean African-Americans, women, Hispanics, the LGBT community, and people with disabilities, but directly participates and encourages that behavior, it erodes the public trust," the release said.



Lawsuit, criminal investigation into Jackson County Sheriff's Office: What we know so far

Jackson County's chief law enforcement officer must be held to the highest standard, it continues.

"When an officer of the law speaks about using their weapon to murder a woman for sexual gratification, that trust is gone," the release said.

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Councilmembers Jeromy Alexander, Craig Pappin and Ariene Robinson were not included in the release, Dobies said, because he couldn't reach them in time. Alexander, when contacted this morning, agrees Rand should resign.

"I definitely believe in innocent until proven guilty," Alexander said. "But the recordings made it pretty obvious."

The nine Jackson County commissioners and Administrator/Controller Mike Overton are staying away from live interview requests, as advised by legal counsel, so as not to jeopardize the criminal investigation, Overton said.

A special Jackson County Board of Commissioners closed session meeting with legal counsel has been scheduled for 5 p.m. on Tuesday, Feb. 20, regarding the sheriff's department, Overton said.

The board could take action at its regularly scheduled meeting at 7 p.m. Tuesday, although it has no legal recourse to remove Rand from office.

The meetings are on the fifth floor of the Jackson County Tower Building, 120 W. Michigan Ave.

Community activists have organized a protest march for 2 p.m. on Sunday, Feb. 18, calling for Rand to resign. It starts at the corner of Biddle and Mechanic streets and ends at the sheriff's office, 212 W. Wesley St.



Governor's order, recall are the only options to remove a Michigan sheriff

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"Last year, we worked hard towards building a more tolerant, inclusive community - one that views diversity as a strength and gives no quarter to discrimination," the city release said. "We shouldn't allow anyone - not even the most powerful among us - to stand in the way of that progress."

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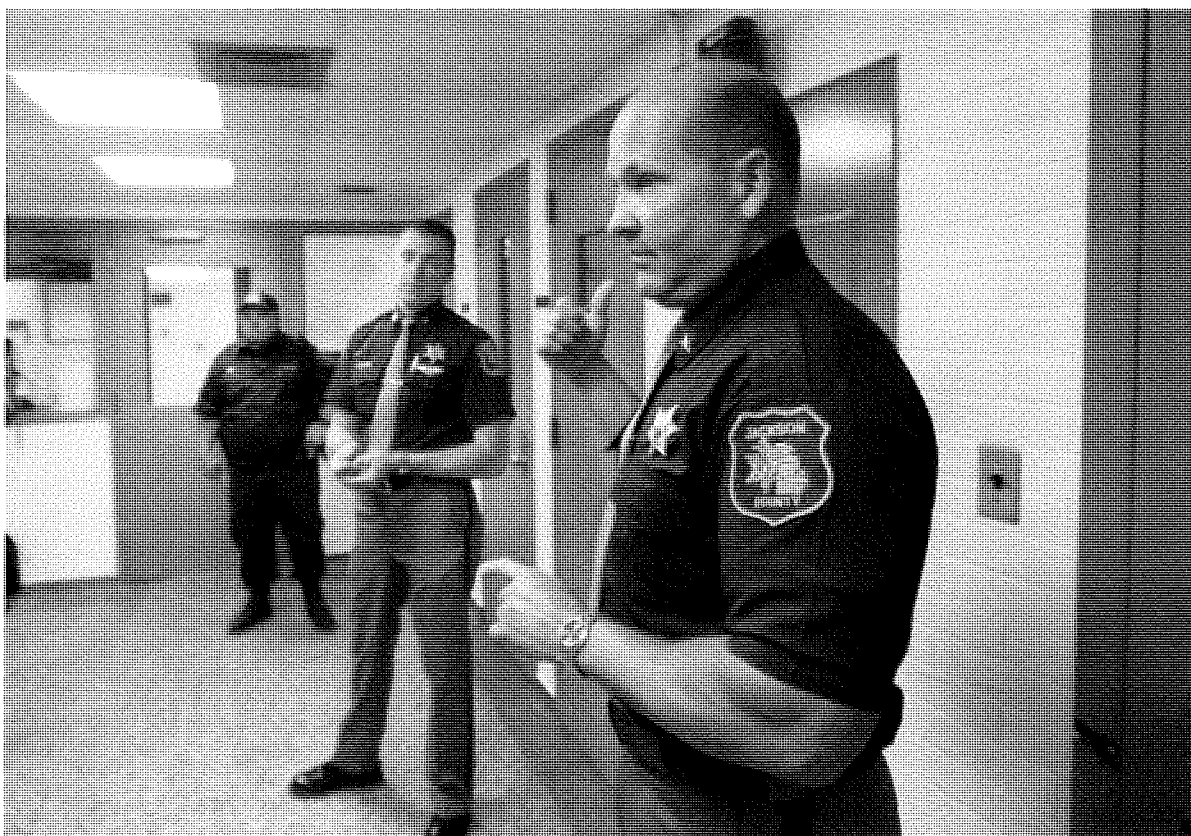
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JACKSON

'I'm reaching out to the people I've hurt,' Jackson County sheriff says

Posted Feb 16, 2018



In this file photo, Jackson County Sheriff Steven Rand, right, and Undersheriff Christopher Kuhl, middle, show what was the current visiting area at the Jackson County Jail's Wesley Street location on Tuesday, April 18, 2017. (MLive Media Group)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - Jackson County Sheriff Steve Rand said he would like to speak publicly next week regarding allegations levied by a lieutenant who recorded the sheriff making derogatory comments and filed a lawsuit calling Rand a "multifaceted bigot."

"I'm reaching out to the people I've hurt and the people who have supported me that have been affected by this first," he said by phone on Friday afternoon.

Rand was reluctant to say more and declined to comment at all on the lawsuit.

He said he is anxiously anticipating news of a criminal investigation, being conducted by the Michigan State Police and involving the sheriff's office. "I am confident I didn't commit any crime," he said.

Undersheriff Chris Kuhl made a similar statement. "I am confident once MSP completes their investigation this will resolve this allegation of criminal wrongdoing," he wrote in an email.

Kuhl said he has been in contact with detectives from the First District special investigation section, based in Lansing. "A number of documents have been requested by MSP which I have supplied to them," he wrote in an email and declined to specify the type of documents. "I am fully cooperating with their investigation and I look forward to assisting them with anything else they may need."



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

The nature of the criminal inquiry remains unclear. The state police have said only that it is separate from the contentions in the lawsuit, filed Monday on behalf of Lt. Tommy

Schuetz, who accuses Rand of mocking him for his hearing loss, and making "numerous slurs," targeting blacks, gays, women, and others. He alleges Rand created a hostile work environment, harassing him for his disability, and the county retaliated against him for opposing and reporting Rand's conduct.

Schuetz's lawyer, Jim Fett, released recordings of conversations Schuetz had with Rand and others. Rand is heard calling a sitting judge a "scatter-brained c---" and discussing the creation of a violent pornographic film with a woman county employee.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

The county, when it learned of Schuetz's concerns, referred "the matter" to the state police and the attorney general's office. In a statement, officials directed questions to Detective 1st Lt. Tom DeClercq. Attempts to reach him have not been successful. Freedom of Information Act requests are pending.



Sheriff's office says it will continue to 'serve to highest possible standard'

Lawyer compares Jackson sheriff's alleged comments to 'Mississippi in 1962'

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'Racist, sexist, anti-gay, Sheriff Rand must go away,' protesters chant

Posted Feb 18, 2018



Gallery: People march to Sheriff's Office in Protest of Jackson County Sheriff Steven Rand

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By [Danielle Salisbury](#) | Danielle_Salisbury@mlive.com

JACKSON, MI - About thirty people on Sunday walked through Jackson calling for the resignation of Jackson County Sheriff Steven Rand, the subject of a pending lawsuit alleging he is a "multifaceted bigot."

"Racist, sexist, anti-gay, Sheriff Rand must go away," they chanted.

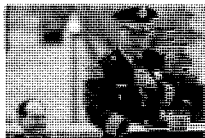
Men and women held signs, reading "Hate has no home here" and "Not my sheriff, Shame!" They stopped in front of the sheriff's office on Wesley Street, usually empty of command staff on weekends, and called for the sheriff to come down from his third-floor office. Neither the sheriff nor any of his representatives made an appearance.



"For any person this is immoral, but for an elected official who by their very position is supposed to be someone we trust, this is intolerable," Jackson activist Karyl Deems Baker, on the board of the Jackson Pride Center, told the crowd.

Participants responded with cheers.

"No more old boys club. No more locker room talk, no more men against women, no more hate against love," said Deems Baker, introduced by fellow activist and event organizer Nikki Joly of Jackson, who called the involved group "Citizens Against Hate."



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot



When reached Sunday, Rand said he appreciated that the event was peaceful and did not necessitate any police response.

"I respect the protesters First Amendment right to march and to assemble and to express their opinions," he said and made little further comment.

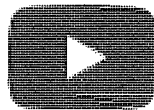
Undersheriff Chris Kuhl also issued a statement, sent by email.

"I appreciate the peaceful and thoughtful nature of today's march ...Peaceful protest and demonstration is one of the great freedoms that all citizens enjoy and is at the very bedrock of our democracy," he wrote.

"I look forward to reaching out to a number of groups, citizens and community members in the coming weeks and months to begin to restore our relationship with the community."

He asked for support for the men and women of the department. They are the face of the organization. "These people are the ones who carry out its great works every day," Kuhl wrote.

People march to Sheriff's Office in Protest of Jac...



A lawsuit filed last week on behalf of Sheriff's Lt. Tommy Schuette alleges Rand is a "multifaceted bigot," targeting women, blacks, gays and others. It contends Rand created a hostile work environment for Schuette, harassing him for his hearing impairment, and the county retaliated against Schuette because he reported and opposed Rand's conduct. Rand has declined to comment on the lawsuit.



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

Schuette's lawyer, Jim Fett, released recordings of conversations Schuette had with the sheriff and others. Rand is heard calling a female judge a "scatter-brained c---" and talking about creating a pornographic film of a murder with a court employee. "'Shoot her right in the back of the head when I (inaudible) my load," he says.

Outside Rand's office, Joly spoke into a microphone. "What do we want?" he said.

"Rand's resignation," protesters responded.

When? "Yesterday."

It is not OK to refer to a judge by such a term, Joly said. It is not OK for someone with a disability to be "humiliated and talked down to," he said.

"It ain't right," one man yelled.



'I'm reaching out to the people I've hurt,' Jackson County sheriff says

Valerie Cochran-Toops, 52, of the Jackson Human Relations Commission carried a bouquet of silk flowers, distributed her business card and shouted toward the windows on the second floor.

She said she has been in meetings with the sheriff to address community-police relations. She believed he was "wholeheartedly into making the situation here better."

"Not the same person that is in that recording," she said of her former impressions of Rand.

She was shocked by the words he used in the taped conversations, from a man charged with upholding the constitution, with serving the county.

"He should save us the agony of going through this anymore and resign."

James Grant, 29, of Jackson brought his 4-year-old son to the march. He explained to the boy that the sheriff wants to protect people, but also jests about hurting people, and the boy, in a carrier on his father's back, wanted to attend.

"He jokes about murder," another man shouted during the speeches.

Callie Crandall, 44, also of Jackson, said she had never heard a police officer speak in such a manner.

"It's disgraceful," she said.

"These are not the people I want running my city and county."



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Community leaders react to vulgar comments, allegations against Jackson sheriff

By [Danielle Salisbury](#) | Danielle_Salisbury@mlive.com



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Jackson County Sheriff Rand makes opening remarks at the Jackson Law Enforcement Memorial in May 2016 at Jackson Symphony Orchestra Weatherwax Hall. (MLive file photo)

JACKSON, MI – Some call for his resignation. Some want to hear the full story. Others are unwilling to speak at all.

Many condemn the actions of Jackson County Sheriff Steven Rand since a lawyer released recordings of Rand calling a female judge a “scatter-brained c---” and

discussing the creation of a violent pornographic film starring a court employee.

A former state senator came to his defense. A present lawmaker said he is confident Rand will put all his energy into rebuilding and healing relations.

Citizen Patriot reporters solicited reaction from public officials, business leaders and others since a lawsuit was filed last week in federal court alleging Rand is a "multifaceted bigot" targeting women, blacks, gays and others.

The lawsuit, crafted on behalf of sheriff's Lt. Tommy Schuette, contends Rand created a hostile work environment, harassing Schuette for his work-related hearing loss; and the county retaliated against Schuette for reporting and opposing Rand's behavior.

Rand, a Republican appointed in 2011 and first elected in 2012, has declined to comment on the lawsuit, but indicated he would speak publicly this week.

"Jackson County Office of the Sheriff asks for the public's patience and will continue to serve the community to the highest possible standard without regard to race, ethnicity, sexual preference or identity," reads a statement distributed by Undersheriff Chris Kuhl.

Here are responses from various past or current community leaders, lawyers, activists and county residents:



Defense lawyer Susan Dehncke questions a witness during a November preliminary examination in Jackson County District Court. (MLive file photo by Claire Abendroth)

Jackson attorney Susan Dehncke

Dehncke, a defense lawyer and former assistant prosecutor, was "flabbergasted" the sheriff would make such comments. "To be that denigrating of a judge."

She had only read about the allegations and spoke with the caveat that she had not listened to the recordings.

"I was shocked and saddened that people still think they can talk that way and speak about not just people in general but people who are their employees in such an ugly fashion," she said.

Even more shocking to her was the apparent lack of objection from other participants in the conversations. "That suggests that the problem is even bigger than one person being incredibly ignorant and ugly."

The language and "casual dismissive objectification of people" is not representative of what she sees with deputies, in the jail or on the road.

Dehncke hopes Rand decides to resign, bringing swift resolve to the situation, and whoever replaces him "takes a hard look at the culture."

The information coming to light shows why it is important to have women promoted and taking part in such meetings, she said, and quoted an oft-repeated phrase. "If you are not at the table, you are on the menu."



Philip Hoffman

Mlive Media Group

Philip Hoffman, former state legislator/deputy sheriff

Hoffman served as a state representative from 1983-93, a state senator from 1993-2003 and was a Jackson County deputy sheriff from 1974-82.

While he said he was disappointed to read Rand's statements publicly, he added it was nothing he hasn't heard in years past among police officers.

"The language is unacceptable in civil company, but it is something that – unfortunately – people say," Hoffman said. "I don't think it was meant to disrespect anybody. But cops talk rough amongst themselves."

And Hoffman questions the motivation of Schuette in releasing the information.

"I caution folks not to be quick to react to things like that," he said. "We try people now in the court of public opinion and completely disregard the justice system, which is a miscarriage of justice."

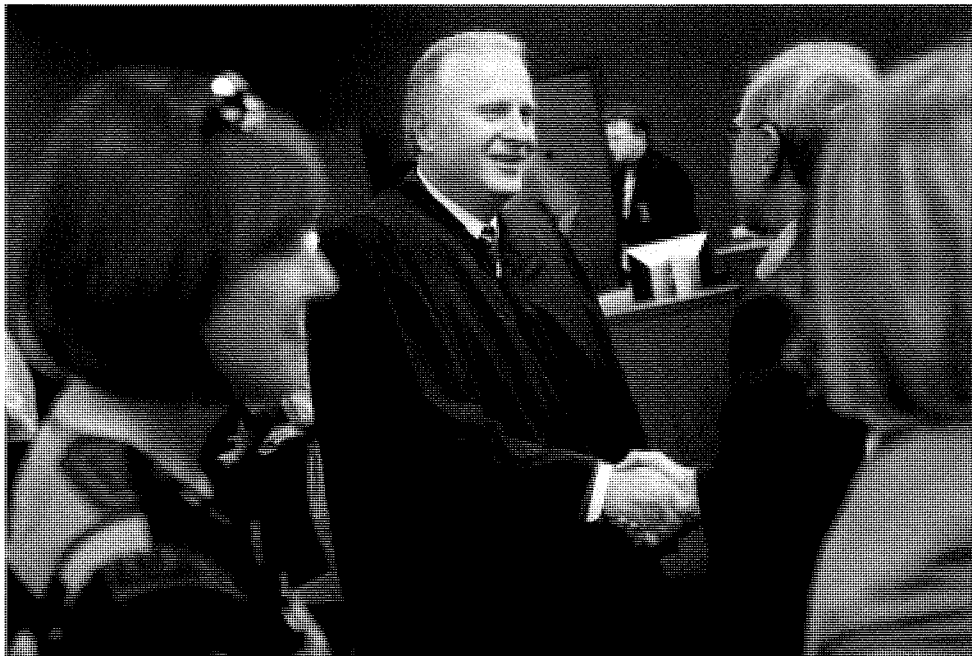
Hoffman defends Rand's character.

"(Rand is) a gentleman. Takes the job serious," he said. "I'll tell you, you get cops behind a closed door and a lot of BS takes place. It's classic Donald Trump locker room talk. Is it acceptable to the general public? No. But law enforcement people deal with things differently than the rest of us because of the nature of what they deal with. They deal with the dregs of society. They handle murder and mayhem as a

normal course of business. People have a different way of releasing their frustrations, if you will. Tough talk in law enforcement exists."

"He's an honorable person. And what he said doesn't detract from that, he's still an honorable person. He still serves the department with integrity and honesty. If he's guilty of anything, it's probably being too trusting of people he takes into confidence."

"I'm sad that it happened, but I'm sure that the sheriff is the type of person that will go on out there and do his best to mend fences and continue to serve to the best of his ability."



Jackson County Circuit Judge Richard LaFlamme greets attendees at his 2011 swearing-in ceremony. (MLive file photo)

Jackson County Circuit Judge Richard LaFlamme

All appears "bleak" for Rand, but LaFlamme would like to hear the whole story.

"It looks pretty damning, but I'm still willing to give him his day in court," LaFlamme said Friday.

The judge said he does not know Rand well. All he has known has revealed the sheriff as a "decent, upstanding guy."

He called the revelations "kind of astounding."

It seems if the sheriff conducted himself in the manner described, a lot more people would be talking, said LaFlamme, who had not listened to the recordings.

"If all that stuff is true, he probably should," the judge said when asked whether resignation would be appropriate.

"Obviously, if he said all those things, it's concerning."



State Rep. Brett Roberts (MLive file photo by J. Scott Park)

Brett Roberts

Roberts serves as Michigan's 65th District State Representative, covering Springport, Tompkins, Rives, Blackman, Henrietta, Leoni, Waterloo, Grass Lake, Norvell, Columbia and Liberty townships in Jackson County.

He spoke out against the allegations in a statement to the Jackson Citizen Patriot/MLive.

"These allegations and recordings are revolting, and Sheriff Rand has clearly violated the public trust," Roberts said in the statement. "Comments like this have no place anywhere, let alone a workplace financed by our taxpayers. Jackson deserves a sheriff who will put public safety first."



Jake Crandall

Jackson County Republicans

Craig Pappin, chairman of the Jackson County Republican Party, on Monday afternoon emailed a statement:

"All of us within the Jackson County Republican Party were shocked following the reporting of statements made by the Jackson County Sheriff, Steven Rand," he wrote.

"Statements and sentiments such as these are not reflective of the values, morals, and core principles that the Jackson County Republican Party stands for. Upon the later release of audio recordings, we were deeply embarrassed and disgusted by the content.

"Sheriff Rand has now stated he plans on reaching out to those who were hurt. We view this as necessary, and are looking forward to his explanation."

In an interview, Pappin stopped short of asking for Rand's resignation. "I'd like more information right now. Certainly what we know right now is bad," he said. "I want to afford him an opportunity for some process. I am not there just yet."

He is not a fan of calls for immediate removal. People are quick to conclude everyone must go, he said.

Pappin is not aware of the full scope of any problem. "Is it more widespread? I don't know."

When asked whether the sheriff could now effectively do his job, Pappin said this depends largely on the reaction of the people who work with him, both the staff and anyone he encounters professionally.

"Part of it also has to do with the community that he serves, as to whether or not that has been irrevocably compromised," Pappin said.

"Is there a way of rehabilitation? Maybe, perhaps. Maybe not."

Related stories:

Sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

Lawyer releases obscene audio he says gives credence to claim Jackson County sheriff is bigot

State Police investigating Jackson County Sheriff's Office

Sheriff's office says it will continue to serve to 'highest possible standard'

Governor's order, recall are only options to remove a Michigan sheriff

Mayor, City Council call for Jackson County sheriff's resignation

'Racist, sexist, anti-gay, Sheriff Rand must go away,' protesters chant

Jackson County sheriff files to run for second term



Defense attorney Eric White speaks during a murder trial Nov. 7 before Jackson County Circuit Court Judge Thomas Wilson. (MLive file photo by J. Scott Park)

Jackson attorney Eric White

White said, based on the tapes he heard, there is little question Rand should resign.

"There is no way to justify that, especially in the setting that it was made," said White, a former police officer in Blackman Township.

He does not see how Rand could politically survive.

"It isn't a couple guys having drinks on the golf course and cutting lose. These are guys in a command staff meeting."

He called the talk of a snuff film, a pornographic movie of a murder, "deeply disturbing," and was surprised by Rand's derogatory comments about a woman judge White called judicial and smart. "Her reputation is impeccable," the lawyer said. "His description for her is just completely, way off base and completely out of line."

White noted Rand's family history in Jackson law enforcement. Both his father, uncle and brother were respected police officers, White said. Rand began his career as a

deputy in 1993. "I just never saw this coming at all, I am still kind of in disbelief."

Being an officer is a difficult job, he said. "And it takes a certain mentality to do it correctly and not get dragged into the tragedy that you deal with and see every day.

"The things he is talking about would far exceed the locker room talk that I have experienced as a law enforcement officer."

White said he has no questions "at all" about the whistleblower Schuette's character. His firm employs Schuette's cousin, Gary Schuette, a retired Jackson police detective who is now a lawyer.

"There have been a lot of Schuettes in law enforcement. All have a good reputation. No question."



Elody Samuelson, far right, was among those marching Sunday, Feb. 18, to the sheriff's office in protest of Jackson County Sheriff Steven Rand. She and others called for his resignation.

Claire Abendroth

Jackson activist Elody Samuelson

Samuelson was a victim in 2000 of a violent sexual assault in Wisconsin and when she heard Rand's comments, she wondered how someone in the same situation could feel safe.

"How could anyone trust that department?" Samuelson said Sunday during a march to the sheriff's office, where about 30 protesters hoisting signs loudly called for the sheriff to resign.

She spoke positively of the officers who came to her aid and the recent news immediately returned her to the experience. "I just can't imagine feeling like I'd be talked about later."

Would deputies be fair? Would they have compassion and empathy?

"It ruins the integrity of the department," said Samuelson, who lives in Jackson and works at Consumers Energy.

She could not think of referring to a woman judge as a "scatter-brained c---" and talked of how Rand and others "dehumanized" a recent female graduate of a police academy by addressing only her physical attributes.

"Jackson deserves so much more than that."



Republican state Rep. Mike Shirkey announces his run for state senate on March 7, 2014 at Grand River Marketplace.
(MLive file photo by Michelle Tessier | MLive.com)

State Sen. Mike Shirkey

In a statement, Shirkey, a Clark Lake Republican who represents Jackson, Branch and Hillsdale counties, expressed confidence Rand would make amends.

"I have known Sheriff Rand for many years. He has always been professional and passionate about his role as Sheriff....taking it very seriously," he wrote.

"His secretly recorded comments are surprising and understandably hurtful and unacceptable. Unequivocally.

"Yet, who among us have not said things we regret? And in today's 'gotcha' society it is not surprising there are many jumping on the bandwagon calling for his resignation.

"I am personally convinced Sheriff Rand understands the gravity of these reports. And I am equally sure he will do what is necessary to heal his family, address whatever confidence breach that may have developed amongst those men and women he leads, and will put his entire energy into rebuilding and healing community relations.

"There is no room for such thoughts and comments. But there is plenty of room, and need, for grace and forgiveness in our society...for repentant and contrite hearts.

The Steve Rand I know will do what is right and make the right decisions given the chance. "

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'I deeply embarrassed myself, my department, my family,' sheriff says

Posted Feb 19, 2018



In this file photo, Jackson County Sheriff Steven Rand, right, and Undersheriff Christopher Kuhl, middle, show what was the current visiting area at the Jackson County Jail's Wesley Street location on Tuesday, April 18, 2017. (MLive Media Group)(MLive Media Group)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - In an interview Monday, Steven Rand apologized for the hurt caused by his offensive and sometimes obscene comments, and said he intends to remain sheriff of Jackson County.

"I am not a person that likes leaving messes for other people to clean up," Rand said. "And I intend to resolve this issue."

Rand confirmed his voice was on recordings released last week by Jim Fett, the attorney representing sheriff's Lt. Tommy Schuette, who is suing Rand for creating a hostile work environment and the county for retaliation. The document calls Rand a "multifaceted bigot."

"I am not going to deny when I heard those tapes, I wanted to believe that that wasn't my voice. But it sure sounds like me," said Rand, a Republican elected, without opposition, in 2016 and serving his second term.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

He said he cannot explain his statements - Rand called a judge a "scatter-brained c---" and talked of creating murderous pornography. "All I can do is take ownership of them. What I really want to say is: I apologize to everyone I have hurt."

Rand said he has spent some of the last week reaching out to people, apologizing directly to some and trying to make amends. He tried to talk to the judge, he said.

Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states



Meanwhile, community leaders, some of them in his own party, have condemned the sheriff's words. "Statements and sentiments such as these are not reflective of the values, morals, and core principles that the Jackson County Republican Party stands for," the party chairman wrote in a statement. Members of the Jackson City Council, and others, have called for Rand's resignation.



Community leaders react to vulgar comments, allegations against Jackson sheriff

"Obviously the statements I made were inappropriate, embarrassing. I deeply embarrassed myself, my department, my family, all those people who have supported me through the years," Rand said. "I have let a lot of people down."

Rand sends his "sincerest apologies" to anyone who heard, read of or knows about the recordings.

"Clearly, I wouldn't even say 'and were offended by it.' Because if you hear them, you are offended by it," he said.

"It is offensive."

Frankly, he said, he probably didn't even realize what he was saying. "I was as shocked as anyone hearing that tape and there is no excuse for it."

He said he has a plan and is going to work on himself first. "I am the person with the issue here... I intend to move forward and restore confidence in myself and this office."

The sheriff said he has reached out to the Michigan Civil Rights Commission, charged with investigating alleged discrimination and securing equal protection of civil rights. He would like the commission to make recommendations, and training is in order, for himself in particular, he said.

Rand used the phrase "unconscious bias" in response to a question about the type of training. "I don't know if that fits this situation exactly..."

Rand does not consider himself a bigot. "I can't even speculate as to why I made some of the statements I did; I don't harbor any bigotry... that is not what my actions say," he said.

"I hope you realize that's not how I behave, although the words certainly don't help in this situation."

When asked about women working in or with the department, about whether female applicants could or would apply to his office, he re-emphasized his intended purpose of the interview, to apologize: "I really don't want to get into all the details."

He did, however, note the sheriff's office now employs more women, in corrections, on road patrol and in emergency dispatch, than at any other time. "We are working even harder at achieving a more diverse workforce, and we are going to do it, and I am going to be part of that," he said. "It is going to take a little time but I am sure we can get there."

Of race relations, he said he has to build back trust. "Obviously, that is going to be my No. 1 job. I am working to do that and I am working with community leaders to do that."

He hopes the county can continue to support the "hardworking men and women of this office." "They are the ones out there doing the job and they do it very well."

Rand stopped the interview after 12 minutes. He said he plans to issue a formal apology on Tuesday.

Lawyer compares Jackson sheriff's alleged comments to 'Mississippi in 1962'



Mayor, City Council call for resignation of Jackson County Sheriff



County 'shocked' by 'abhorrent' allegations against Jackson sheriff



Sheriff's office says it will continue to 'serve to highest possible standard'

'Racist, sexist, anti-gay, Sheriff Rand must go away,' protesters chant

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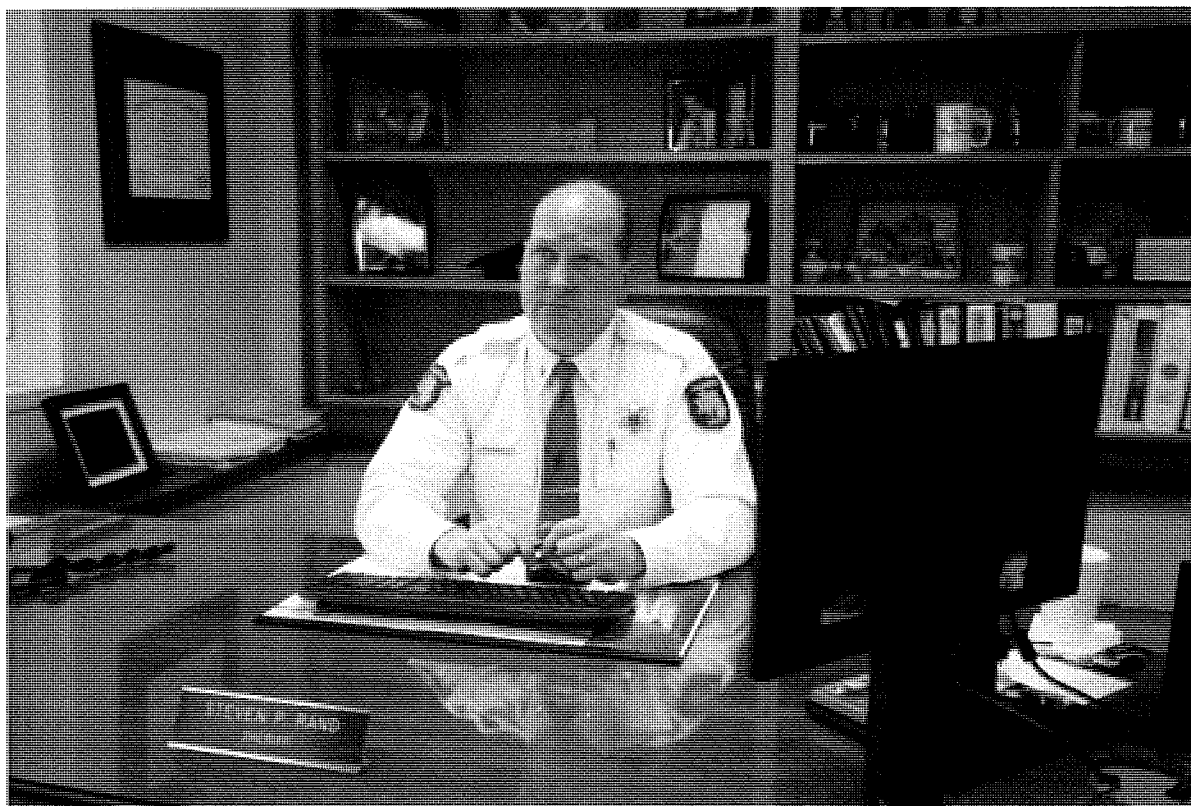
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Prosecutor calls sheriff's words 'hurtful,' Chamber of Commerce asks sheriff to resign

Posted Feb 20, 2018



Jackson County Sheriff Steven Rand apologizes and talks in general terms about the situation involving him and a federal lawsuit from his office on Tuesday, Feb. 20, 2018. (J. Scott Park | MLive.com)(J. Scott Park)

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By Taylor DesOrmeau | tdesorme@mlive.com

JACKSON, MI - Two previous supporters of Jackson County Sheriff Steven Rand have publicly condemned his alleged offensive comments, joining the list of community leaders speaking out against him.

Jackson County Prosecutor Jerry Jarzynka and the Jackson County Chamber of Commerce released statements on Tuesday, Feb. 20, in response to allegations in a civil lawsuit calling Rand a "multifaceted bigot."

Both Jarzynka and the Chamber supported Rand in previous elections.



Community leaders react to vulgar comments, allegations against Jackson sheriff

"After the newspaper ran a story last week about a federal lawsuit against Sheriff Steve Rand, I was shocked by the allegations because I have never experienced him talk or act in such a manner," Jarzynka wrote. "On the contrary, he has always acted professionally and courteously. He has been diligent in helping the successful prosecution of many cases as well as being very active in other initiatives.

"Neither I nor my office condones the offensive remarks that are alleged. The statements are surprising, hurtful and unacceptable."

Jarzynka does not call for Rand to resign, and continues:

"In this case, additional facts will come out about this matter as there is an ongoing investigation being conducted by the Michigan State Police and there will be discovery proceedings in the pending federal lawsuit wherein the plaintiff will have to disclose all of

his evidence that supports the allegations. As that process occurs, I am confident Sheriff Rand will do the right thing."



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

The Chamber's statement said the comments go against the mission and vision of the group. The comments should be "condemned in the strongest way," the statement said.

"The trust and confidence of the community in the Jackson County Sheriff's Office must be unwavering," the Chamber's statement said. "The comments and actions of Sheriff Rand are reprehensible and erode the integrity of that office."

Rand ran unopposed for sheriff in 2016 and handily beat Kenneth Carpenter in the 2012 election. He was first appointed to the position in 2011.

Besides resignation, the only way to remove Rand from the position is to recall him or have Gov. Rick Snyder order his removal.



Police unions denounce discrimination in wake of Jackson County Sheriff's comments

"During the last election, the Chamber's Political Action Committee endorsed Steve Rand for sheriff," the Chamber's statement said. "In light of recent events, we can no longer support him for this office and, as leaders in Jackson County, the Board of Directors of the Chamber is calling for Sheriff Steve Rand's immediate resignation."

The Jackson County Board of Commissioners has a scheduled session next week with Sheriff

The Jackson County Board of Commissioners have a closed session meeting with legal counsel at 5 p.m. on Tuesday regarding the sheriff's department, County Administrator/Controller Mike Overton has said.

The board could take action at its regularly scheduled meeting at 7 p.m. Tuesday, although it has no legal recourse to remove Rand from office.

'Racist, sexist, anti-gay, Sheriff Rand must go away,' protesters chant

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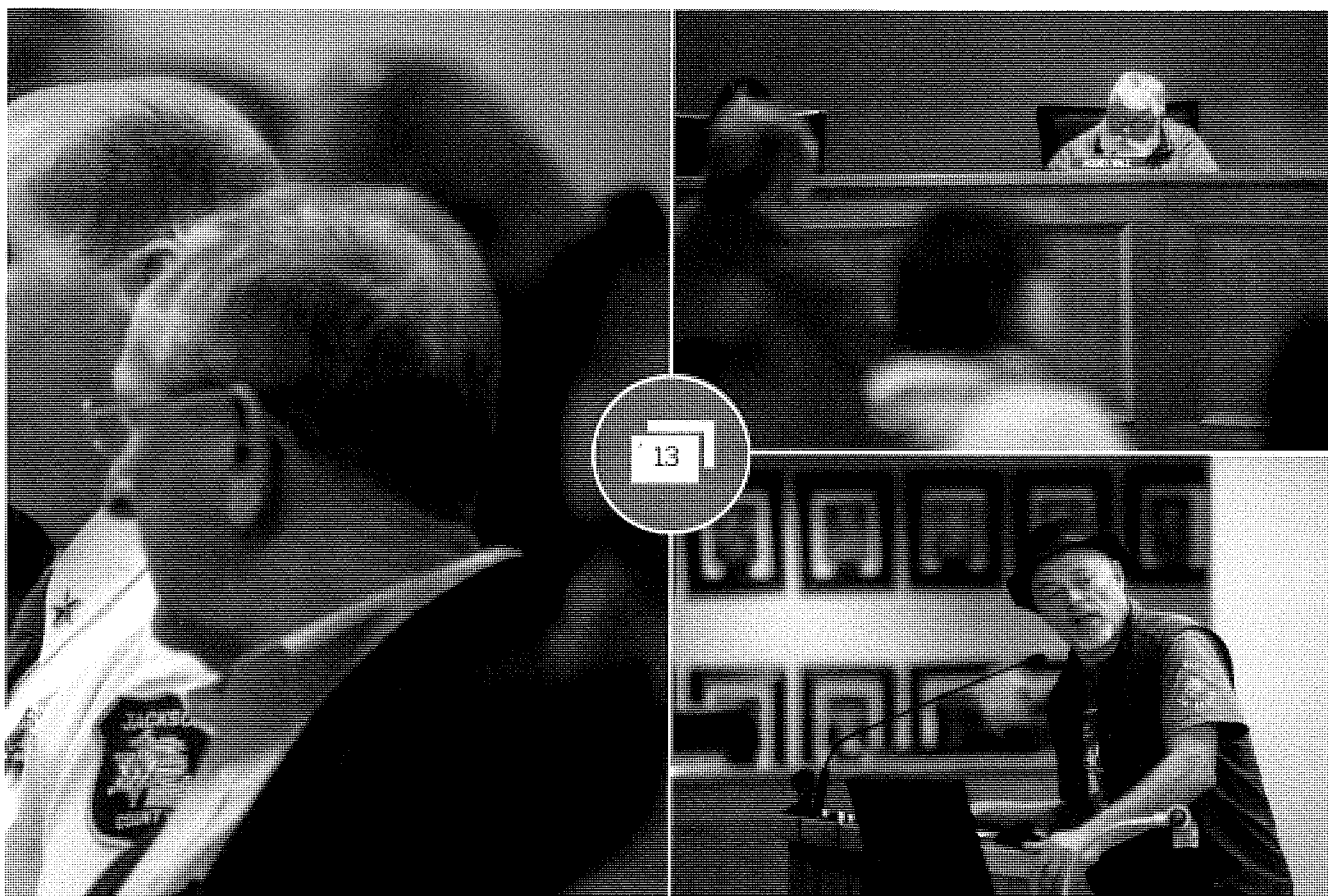
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Governor should remove sheriff if he doesn't resign, Jackson County board decides

Posted Feb 21, 2018



Gallery: Jackson County Board of Commissioners asks Sheriff Steven Rand to resign

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By Taylor DesOrmeau | tdesorme@mlive.com

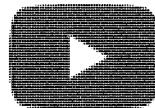
JACKSON, MI - Without the right to remove Sheriff Steven Rand from his job, the Jackson County Board of Commissioners did the next best thing - asked him to resign and will

ASK GOV. RICK SNYDER TO REMOVE HIM FROM OFFICE, IF HE DOESN'T.

The action came in a unanimous 8-0 vote after an extended closed session with legal counsel and a plea from Rand at the Tuesday, Feb. 20 board meeting. Commissioner Allan Tompkins was absent.

Rand, who spoke for roughly two minutes before the board in open session, is surrounded by allegations in a civil lawsuit that calls him a "multifaceted bigot," using slurs targeting blacks, women, the disabled, the LGBT community and others.

Residents voice opinions on Jackson County bo...



He is an elected official, so the board cannot just remove him from his post. Outside of a voluntary resignation, Rand could only be removed by a recall election or by Gov. Rick Snyder.

The board directed its chairman, James "Steve" Shotwell Jr., to write to Snyder asking that he remove Rand if he does not willingly step down.

Lawyer releases obscene audio he claims proves Jackson sheriff is

bigot



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"Every time one of our deputies is dealing with a lawbreaker, they will attempt to bring this up as a way to get out of their situation," Shotwell said after the meeting. "We can't have that."

Shotwell called Rand a "good sheriff," but said the situation is beyond repair because of his "atrocious" comments.

A list of allegations in the lawsuit cite recordings of Rand calling a female judge a "scatter-brained c---" and discussing the creation of a violent pornographic film starring a court employee.

At an August 2017 staff meeting about a black deputy under internal investigation, the lawsuit states Rand allegedly said: "We should step on their necks like we used to."

Rand asked the county to wait for the investigation to play out before making any judgment. He admitted his statements were "clearly inappropriate."

'Please try to accept my apology,' sheriff says in first on-camera interview

"Thus far, the only story that has been told is that of the plaintiff," Rand said. "I'm at a disadvantage, (because) at the advice of counsel I've been advised not to comment on the allegations against me."

Rand left the meeting following the vote, prior to citizen comment, without commenting further.

More than a dozen citizens spoke at Tuesday's meeting - and they were split down the middle on whether the county did the right thing.

"I had a big speech ready for you all tonight, but you did the right thing," former county treasurer Janet Rochefort said. "This was going to have a terrible economic impact for Jackson County."



Prosecutor calls sheriff's words 'hurtful,' Chamber of Commerce asks sheriff to resign

Others argued for due process to play out, or said Rand's language is common or was taken out of context.

"There's not a person here in this room that hasn't said the same kind of stuff," Del Anteau said. "This board should get behind Sheriff Steve Rand 1,000 percent."

Commissioner Daniel Mahoney disagreed, apologizing to citizens that it took this long for commissioners to act.

"It's been eight days since this hit the news. I've had a migraine for eight days," Mahoney said. "For eight days, something's needed to be said."

Mahoney was the only commissioner to share his thoughts about the situation during the meeting attended by roughly 50 people.

He said the board can accept Rand's apology and forgive him - but he cannot remain sheriff.

"I don't know now you can take out of context that you still wish you could step on the necks of blacks like you used to do," Mahoney said.

Some in the audience audibly laughed at this comment from Mahoney, who is the only African American on the board. But Mahoney continued on.

"This was not a private setting. This was not behind the closed doors in his mancave," Mahoney said. "This was not a conversation between friends. This was a sheriff speaking to his staff. There's not allegations -- there's recordings."



Governor's order, recall are the only options to remove a Michigan sheriff

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Police unions denounce discrimination in wake of Jackson County Sheriff's comments

Posted Feb 20, 2018



(MLive file photo)

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By Nathan Clark | nclark1@mlive.com

JACKSON, MI - Jackson County's road patrol deputies and road sergeants are speaking out against discrimination in the wake of allegedly bigoted comments made by Sheriff Steven Rand.

The unions represented these officers... The Jackson County Road Patrol Deputies...

The unions representing these officers -- The Jackson County Road Patrol Deputies Association and Jackson County Road Sergeants Association -- released a joint statement on Tuesday, Feb. 20, to "reassure the public and the community...that we treat all people with professionalism, courtesy, and respect."

The statement comes on the heels of a federal lawsuit filed Feb. 12, by sheriff's Lt. Tommy Schuette, who is suing Rand for creating a hostile work environment and Jackson County for retaliation. The document calls Rand a "multifaceted bigot."

Several audio recordings of Rand making derogatory comments about women, minorities, the disabled and county employees were released by Schuette's attorney, Jim Fett.

"We strongly believe the use of derogatory language in any setting is unprofessional and the use of it would reflect negatively on our ability to serve the citizens of Jackson County," the unions' statement reads.

Rand, a Republican elected without opposition in 2016 and serving his second term, confirmed on Monday, Feb. 19, it was his voice was on recordings and apologized for his actions.

"The road patrol sergeants and deputies are vehemently against the discrimination of any person based on sex, race, religious preference, sexual preference, physical appearance etc.," the unions' statement reads.

Community leaders, some of them in Rand's own party, also have condemned the sheriff's words.

Officers will continue to serve the citizens of Jackson County "with integrity, courtesy, compassion and the utmost respect as we have in the past," the unions' statement reads, adding that the "road patrol is comprised of a diverse population and each member has chosen and sworn to protect every citizen of Jackson County."

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'I had to do the ethical, and the morally right thing,' lieutenant says

Posted Feb 21, 2018



Gallery: Lt. Tommy Schuette talks about lawsuit

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By [Danielle Salisbury](#) | Danielle_Salisbury@mlive.com

JACKSON, MI - As Jackson County Sheriff's Lt. Tommy Schuette endured the sheriff's continuous mockery, for his hearing loss, for the uniform he could no longer wear, other

deputies confided in Schuette, a leader they trusted, he said.

A jail lieutenant said he had tired of the sheriff insulting him for his weight. A union representative approached Schuette and said Rand had called a former deputy a "n-----."

A sergeant expressed disbelief the sheriff had talked of stepping on the necks of blacks - information Schuette knew to be true because he himself had heard the sheriff use such language, he said.

"This is not a locker room," says Lt. Tommy Schu...



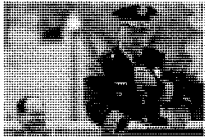
"Now it is not just me. It is one more thing that is being reported to me," Schuette said Wednesday, as he sat in an Ann Arbor law office with his attorney, Jim Fett, who filed a lawsuit last week on Schuette's behalf. It alleges Rand created a hostile work environment and the county retaliated against Schuette for reporting Rand's conduct.



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

Having already been stripped of his uniform after he reported his hearing issues, and regularly reminded of the tenuous state of his employment, Schuette was scared to act, but he knew he had to take the risk, he said. "I had to do the ethical, and the morally right thing to do, which was to report it."

Schuette repeatedly emphasized he did not embark on a smear campaign. He began secretly taping at-work encounters with Rand because he knew without it, people would not believe or comprehend it. "I needed those audio tapes to show people the bizarre behavior that takes place," Schuette said.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

Rand controlled the conversations, he said. "I don't think, especially at the staff meetings, I don't think anybody baited him into saying any of these comments."

The sheriff has declined to comment on the specific allegations contained in the lawsuit. He does not deny it is his voice on the audio recordings, but says he cannot recall the circulated statements. He has repeatedly apologized for his offensive words as unanswered calls for his resignation are mounting.

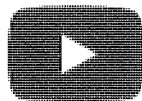
Governor should remove sheriff if he doesn't resign, Jackson County board decides



Schuette summarized the weight of the ordeal with one word: "Stressful."

"It's obviously been stressful not only for me, but... stressful for the employees of the sheriff's office, my family," he said. "I've lost, obviously, a lot of sleep. A lot of sleepless nights."

Lt. Tommy Schuette says audio shows the bizarre...



Being a lieutenant charged with overseeing road patrol, he said he had an obligation to look out for the best interests of his subordinates, people he praised - "I can't speak highly enough of the deputies."

At the same time, he was weary of Rand calling him a "retard" or speaking to him in a special needs voice. Rand seemed to think this was humorous, poking fun at the hearing concerns, medically documented as likely linked to work-related noise exposure, according to the lawsuit. Schuette served on and then commanded the Jackson County Special Response Team, an elite tactical unit that used explosive stun grenades known as "flash bangs."



"And I am not thin-skinned," Schuette said.

'Please try to accept my apology,' sheriff says in first on-camera interview

"What Steve thinks is funny, is not funny."

A psychologist concluded the bullying triggered in Schuette post-traumatic stress disorder, brought on by years of exposure to gruesome homicide scenes and fatal vehicle crashes. He talked of an August 2016 murder-suicide involving a long-dead woman whose body was being consumed by dogs.

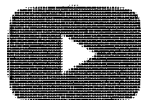
"I didn't know what was happening to me," he said.

He was having night sweats. He would wake soaked. "I was on edge all the time."

He sought medical aid and received the diagnosis in October, the same month he went on health-related leave recommended by a doctor.

In January, he said he shared his own experience, and the accounts of others, with Jackson County Administrator Mike Overton and Human Resources Director Richard Martonchik.

Lt. Tommy Schuette talks about why he reported ...



Schuette played recordings, which capture various crude, vulgar or derogatory comments. The sheriff is heard degrading a woman job candidate, and calling a female judge a "c---."

He told them this needed to be dealt with immediately, ideally internally. "Within the next two weeks I get a certified letter saying: 'Turn all your stuff in by Friday.' You can see what happens when you report something."



The county has denied wrongdoing. Officials said they knew nothing of the allegations made in the lawsuit until January and referred the matter to the attorney general's office and the Michigan State Police. State police have confirmed only that they are investigating separate, criminal allegations.

Schuetz had to surrender his identification and was denied access to his email, he said. "My worst fears of coming forward appear to be happening."

It was only after the county failed to act, or even update him on the status of his complaint, that he sought legal counsel. "I know it is embarrassing to the department, I know it is embarrassing for the deputies, and I know there is some sensitive information out there that is extremely embarrassing."



'I deeply embarrassed myself, my department, my family,' sheriff says

It was unclear to Schuetz the present status of his employment.

"I love the sheriff's office, and in a perfect world, would I go back? Absolutely," said Schuetz, who began his career in 1998, when Hank Zavislak, now retired, was sheriff. He worked with the Jackson Narcotics Enforcement Team and in a street-level drug interdiction unit and was twice promoted, to sergeant and then lieutenant.

Being a police officer, serving the citizens of the county, has been his life.



But could he work now, as a whistleblower under an embattled sheriff who has said he will not resign?

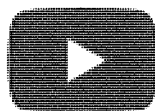
Schuette said: "How would I go back under those circumstances?"

It's disheartening to see, in his mind, "the entire system collapsed," he said. "And that is what I wouldn't want to go back to."

He could do the job, he said. He had been working for almost two years, out of uniform, in an administrative role, since he went to Martonchik about his hearing, which had affected his work on the special response team, a realization he said moved the sheriff to call him a "pussy."

"What I couldn't do is put up with the constant harassment every day."

Lt. Tommy Schuette talks about Jackson County ...



He said he got along well with Rand for a long time, sometimes because he had to, because Rand is his boss.

"If he says it, you better agree with it," Schuette said. "If you go against the grain of the sheriff, you will pay a price for that."

Rand on Tuesday said he sees the work environment at the sheriff's office as one of camaraderie and teamwork. He thought he had a "very good" relationship with employees.

Though focused on his apology, Rand conceded he felt a breach of trust when the revelations surfaced.

"I trust. I don't think a friend would ridicule another friend and make fun of his disability on a daily basis," Schuette said, and he quickly disputed any suggestion of "locker room" talk.

The recorded conversations took place at the sheriff's office. It isn't a golf course. It isn't a locker room.

"This is a place of business. Period."

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Sheriff discharged firearm in office, while secretary was nearby, document says

Posted Feb 23, 2018



Jackson County Sheriff Steven Rand apologizes and talks in general terms about the situation involving him and a federal lawsuit from his office on Tuesday, Feb. 20, 2018. (J. Scott Park | MLive.com) (J. Scott Park)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - A lieutenant who is suing Jackson County Sheriff Steven Rand alleges Rand discharged his firearm in his office, in the presence of his secretary, and did not report it.

Lt. Tommy Schuette and his lawyer, Jim Fett, this week released a document they said was written by a sheriff's detective who witnessed the Aug. 8 incident, but was never filed in the sheriff's office system.

Undersheriff Chris Kuhl confirmed the shooting, called it accidental and said he handled the matter internally with undocumented, verbal disciplinary action. He was not aware of the document, given to Schuette, who contends Rand created a hostile work environment by harassing him for his hearing disability in a lawsuit that calls Rand a "multifaceted bigot."



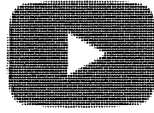
Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

On Wednesday, Kuhl questioned the legitimacy of the document provided by Schuette. "I have some serious concern about the content, validity and accuracy of the report," he said and declined to elaborate on any specific disputed details.

According to the document, the detective talked to Rand's secretary after Rand left the building. "She advised that the sheriff had the gun out and was playing with it. She advised he does this quite often."



Lt. Tommy Schuette talks about Sheriff Rand sho...



The detective heard the gunshot. He felt he needed to tell someone of this, and informed Schuette, who instructed him to create a written record of the incident. "And of course the accusation is it went unreported," Schuette said in an interview on Wednesday.

'I had to do the ethical, and the morally right thing,' lieutenant says

Kuhl said Rand was handling a non-departmental weapon, trying to make it safe or make it clear - removing the magazine and cycling the slide to remove the round - to put it away or in its case. "It apparently wasn't clear. The gun discharged in his office," Kuhl said.

Schuette and his lawyer said the document was not entered into the sheriff's database out of fear of retaliation or retribution.

In response, Kuhl wrote in an email: "The secretive nature which this document was created and held, non conformity to our reporting policy, and it's opportunistic release speaks for itself."



He said in an interview: "If they are trying to present this as a factual assessment of the situation... why would they house it in such a secretive fashion, attach no incident number to it and store it offline?"

The detective declined to comment and an effort to talk to the secretary was not successful.

Rand did not return a Wednesday afternoon phone message. When asked during a Tuesday interview whether he fired his gun in his office, Rand declined to comment. He said he would not speak on any specific allegations.

'Please try to accept my apology,' sheriff says in first on-camera interview

According to the detective's written account, the detective heard a loud bang while alone in the nearby detective bureau, and he immediately recognized the sound as a gunshot. He went down the hall to check on the noise, noticed a distinct smell in the air and saw a look of shock and surprise on the secretary's face. Rand was standing in the middle of his office, directly in front of the secretary's desk, holding a silver/chrome-plated handgun at his side, in his right hand, the document states.

The detective wrote: "I observed that (Rand) also had a shocked or surprised look on his face. Upon looking around, I made note that Sheriff Rand and (the secretary) were the only two in the office."

No one was hurt and the secretary explained the sheriff did not know the gun was loaded, reads the document.

A gun case was open on a table and the carpet was frayed with a hole in it, the detective wrote. A south wall also had several small holes in it. "It was clear these holes were caused by bullet fragments that ricocheted off the floor and hit the wall," states the document.

Fett said the case should have been reviewed as a potential criminal matter.

"It should have been referred to an outside agency, like the Michigan State Police or the (attorney general's) office."

The undersheriff is in a "hell of a position," Fett said. "Discipline the sheriff? Really?"

Kuhl said as long as no one was injured, the sheriff's office would handle such a matter internally. "To raise the specter that there would be some criminal concern is ridiculous."

When asked to review the document, William Ortman, a law professor at Wayne State University, noted it is a misdemeanor in Michigan for a person to "allow any firearm under his control to be discharged so as to destroy the property of another" because of "carelessness, recklessness, or negligence."

"I don't think there's enough information in the unofficial report to say one way or the other whether the sheriff was 'careless, reckless, or negligent,' but that's definitely possible," he wrote in an email.

"...You'd want to have an independent prosecutor or law enforcement official look at the facts and make that decision."

Ortman said it concerns him it does not appear another agency was contacted. "Using an internal disciplinary process makes sense when a deputy accidentally discharges a weapon, but it's unrealistic to expect a subordinate to conduct a truly independent review of the boss."

Kuhl said the sheriff approached Kuhl the same day or the next day and asked him to "address this in a disciplinary manner," Kuhl said.

"I addressed it in a verbal counseling fashion as we would with any other employee."

There have been past "accidental discharges" involving county employees. "We handle weapons every day so this does happen from time to time."

Such events are not uncommon, Jackson County Administrator/Controller Mike Overton said. "Dare I say it not being a law enforcement officer, but I think it's probably more common than people realize."

Kuhl did not document the action and place it in Rand's file. Kuhl said Rand had no history of such behavior. "I know him to be safe handling firearms, so I didn't have any concerns."

The undersheriff said he did not take the issue to county administration. "Obviously, there is no one above (the sheriff), so he came to me."

In a January meeting addressing a long list of concerns, Schuette brought the allegation to Overton and Director of Human Resources and Labor Relations Richard Martonchik, Overton said. Schuette did not bring the document, Overton said.

"Nothing has ever come through channels. I've never seen a document or a report from anyone," Overton said. "As far as I know, there is no case. Schuette says lots of things."

When asked if the county investigated or reported Schuette's claims, Overton said he couldn't speak to that.

"I can't answer that question without moving into areas I don't want to move into," Overton said.

In regards to the county's human resources policy on complaints, Overton directed questions to Martonchik, who deferred to the county's attorney. The lawyer responded by sending a press release earlier circulated by the county in response to the lawsuit. In it, county officials deny wrongdoing. He also sent a reporter the county commission's Tuesday resolution calling for Rand's resignation.



Rand must go - resign or be removed

According to the document written by the detective, Kuhl, whose office is on a lower floor, went to Rand's office to see what was happening. "(The secretary) advised that they told Undersheriff Kuhl something about dropping a vacuum," the document states.

Kuhl said he did not hear the shot and might have been out of the office at the time.

In the document, the detective said he watched Rand remove the affected carpet square, revealing "a divot in the concrete floor underneath."

"Sheriff Rand made the comment that there were extra carpet squares in a closet. Rand did retrieve one of these squares and used it to replace the damaged one," the detective wrote.

"I did advise both Sheriff Rand and (the secretary) that I was the only one in the detective bureau office and no one else was around to hear or see anything."

Kuhl said it is not unprecedented for the sheriff or his staff to make their own repairs.

Maintenance has enough to handle, he said, and the budget is tight. "If we can do it, we usually do it ourselves."

MLive Reporter Taylor DesOrmeau contributed to this story.

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Jackson County board petitions governor to remove sheriff from office

Posted Feb 23, 2018



Jackson County Sheriff Steven Rand listens to the resolution asking for his resignation by the Jackson County Board of Commissioners at the Jackson County Meeting in Jackson, Michigan, Tuesday, Feb. 20, 2018. (Claire Abendroth | Mlive.com)(Claire Abendroth)



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By Danielle Salichury | Danielle_Salichury@mlive.com

https://www.mlive.com/news/jackson/2018/02/jackson_county_board_petitions.html

JACKSON, MI - The Jackson County Board of Commissioners on Friday mailed a letter to Gov. Rick Snyder asking the governor to initiate proceedings to remove Sheriff Steven Rand from office.

"The Jackson County Board of Commissioners has learned that the (the sheriff) engaged in conduct deemed by the board of commissioners to be an abuse of the office of the county sheriff. The sheriff has admitted to engaging in abhorrent speech with his command staff at the sheriff's office," reads the letter, dated Feb. 23 and signed by board chairman James "Steve" Shotwell Jr.

"The commissioners believe that this conduct is a threat to the core values of the community and has undermined the community's confidence in law enforcement. This crisis of confidence is directly related to the sheriff's ability to lead and perform his duties as sheriff to protect all the citizens of Jackson County."

In an 8-0 vote, board members on Tuesday resolved to petition the governor to remove Rand from office if the sheriff did not tender his resignation.

Governor should remove sheriff if he doesn't resign, Jackson County board decides

The sheriff has said he plans to stay. "I am not a person that likes leaving messes for other people to clean up," Rand said this week. "And I intend to resolve this issue."

Absent his voluntary departure, only a successful recall election or an order from Snyder could remove Rand from office. He was appointed in 2011, when former Sheriff Dan Heyns

FETT WITH HIS UNDERSHERIFF TO LEAD THE MICHIGAN DEPARTMENT OF CORRECTIONS. RAND HANDEDLY won the 2012 election and was reelected, without opposition, in 2016.

Last week, sheriff's Lt. Tommy Schuette filed a lawsuit against Rand and the county alleging the sheriff created a hostile work environment, harassing Schuette for his hearing disability, and the county retaliated against Schuette for reporting and opposing Rand's conduct. The lawsuit alleges Rand is a "multifaceted bigot" whose derogatory comments have targeted women, blacks, and other groups.

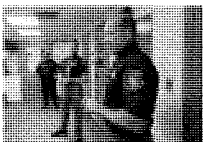


Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

In audio recordings released by Schuette's lawyer, Jim Fett, the sheriff is heard degrading a woman job candidate, calling a female judge a "scatter-brained c---" and discussing the creation of a pornographic murder film involving a court employee.

Rand has repeatedly apologized for his comments, calling them inappropriate and embarrassing. He does not deny his voice on the tapes.

Since his election in 2010, Snyder has never removed a county official from office, a spokeswoman in his office earlier said.



Governor's order, recall are the only options to remove a Michigan sheriff



It ne were to initiate such a proceeding, tne request for removal would be sent to tne attorney general's office, which would review the claims to determine whether they meet the legal definition for misconduct in office. The governor's office would receive a recommendation as to whether the removal is warranted and if Snyder wished to continue, a hearing would be set, the governor's office has reported.



'I deeply embarrassed myself, my department, my family,' sheriff says



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states



Prosecutor calls sheriff's words 'hurtful,' Chamber of Commerce asks sheriff to resign



Community leaders react to vulgar comments, allegations against Jackson sheriff

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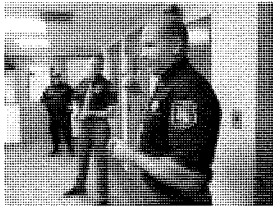


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Jackson officials ask Snyder to remove sheriff from office

Detroit Free Press Published 12:38 p.m. ET Feb. 24, 2018



(Photo: J. Scott Park/Jackson Citizen Patriot via Associated Press)

JACKSON, Mich. — Officials in Jackson County are asking Gov. Rick Snyder to remove their sheriff from office over insulting remarks about women and minorities.

A letter was sent Friday by the county's Board of Commissioners. Chairman Steve Shotwell Jr. says Sheriff Steven Rand's conduct is a "threat to the core values of the community."

Rand has apologized for the offensive recorded remarks, which were released by an attorney who represents a lieutenant in the sheriff's department. But Rand says he won't resign and leave his mess for "other people to clean up."

Read more:

[Jackson sheriff apologizes for discriminatory statements
\(https://www.freep.com/story/news/local/michigan/2018/02/20/jackson-sheriff-apologizes-discriminatory-statements/355352002/\)](https://www.freep.com/story/news/local/michigan/2018/02/20/jackson-sheriff-apologizes-discriminatory-statements/355352002/)

Michigan governors have the power to remove elected officials from office but only after an investigation of alleged misconduct and a public hearing.

Rand has been Jackson County sheriff since 2011.

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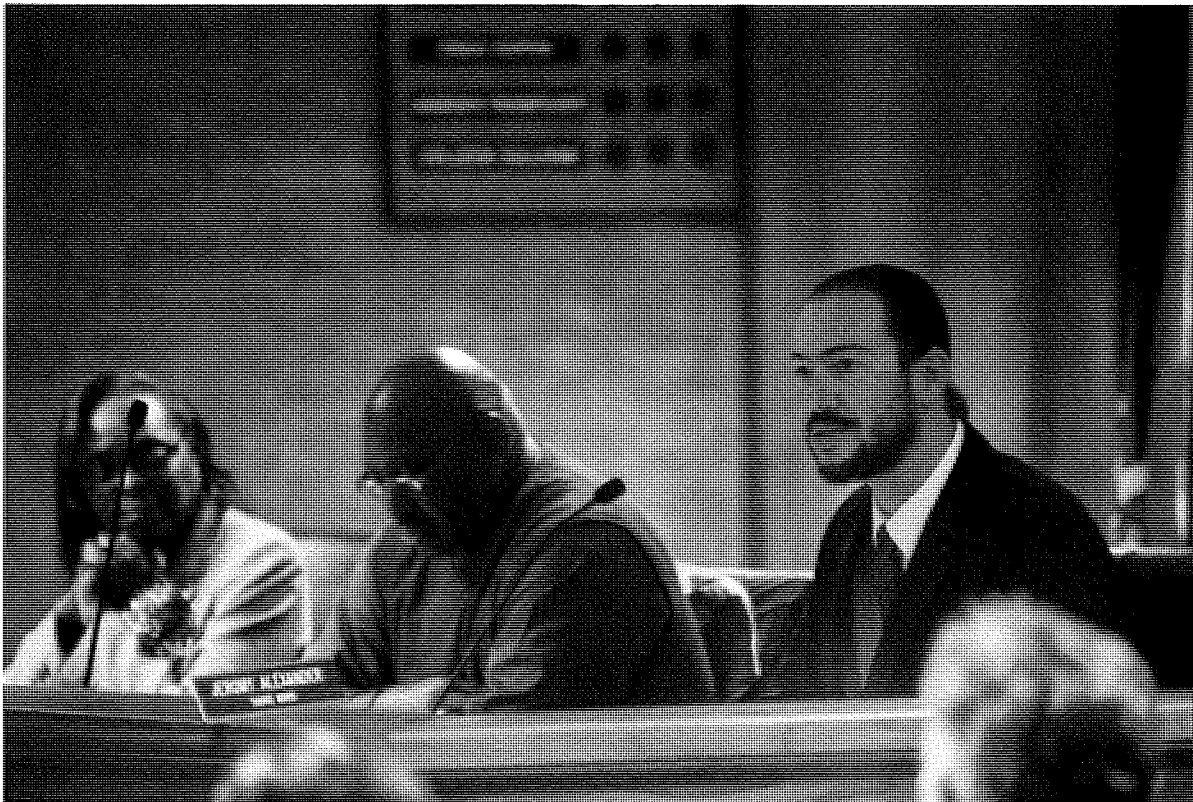
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City joins county in formally asking Gov. Rick Snyder to remove sheriff

Posted Feb 28, 2018



The Jackson City Council approved a resolution on Tuesday, Feb. 27 to ask Sheriff Steven Rand to resign and Gov. Rick Snyder to remove him from the position.(Jake Crandall)

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By Taylor DesOrmeau | tdesorme@mlive.com

JACKSON, MI - Similar to Jackson County's resolution a week earlier, the Jackson City Council approved a resolution at its Tuesday, Feb. 27 meeting asking that Jackson County Sheriff Steven Rand resign and requesting Gov. Rick Snyder to remove him from office if he doesn't.

The vote comes in response to allegations in a civil lawsuit claiming Rand is a "multifaceted bigot," with audio recordings of discriminatory comments Rand made, mostly in staff meetings, against women, blacks, the LGBT community, the disabled and others.

Outside of a voluntary resignation or removal by the governor, the only way to oust an elected official like a sheriff would be a recall election.



Governor's order, recall are the only options to remove a Michigan sheriff

All seven council members spoke during the meeting, rebuking Rand's comments. The group voted 6-1 in favor of the resolution, with Councilman Craig Pappin dissenting, saying he wants more information before asking the governor to intervene.

"I want to make clear that I believe (his comments) were disgusting, hurtful and have no place in our community," Pappin said. "I think we still need to hear some additional information concerning the context, timing and other additional details that we just aren't privileged to understand at this time."

A half-dozen citizens speaking at the meeting were split on the city's resolution. Since Mayor Derek Dobies announced the coming resolution on Twitter, he has been under fire

online and in person about not "staying in his lane," as one commenter phrased it.

While the sheriff works for the county, Rand does have jurisdiction over the city - which is why the City Council is speaking out, Dobies said.

The city will follow all state mandates in MCL 168.207 in submitting the letter to Gov. Rick Snyder's office and providing the appropriate affidavit, he said.

Governor should remove sheriff if he doesn't resign, Jackson County board decides

When asked if he wants other Jackson County townships and villages to make similar resolutions, Dobies said, "That's their prerogative on behalf of their citizens that they represent."

He encourages state legislators Julie Alexander, Mike Shirkey and Brett Roberts to also consider action.

"I encourage them to stand up to discrimination and consider how this reflects on Jackson as a city and as a broader community," Dobies said.



Community leaders react to vulgar comments, allegations against Jackson sheriff

Unlike the Jackson County meeting on Feb. 20, Rand did not speak at or attend the Feb. 27 City Council meeting - which Councilman Andrew Frounfelker said would have been nice.



"If the sheriff was truly intent on making amends, saying he's sorry, why didn't he come to this City Council meeting - this was on the agenda, this was known about - and apologize to his constituents?" Frounfelker asked.

Councilman Freddie Dancy called for further action, calling out other sheriff's department staff members who can be heard making inappropriate comments on the audio released.

"It goes deeper than him," Dancy said. "We want him to resign and the governor to do his job, but also the command staff, we need to do something with them. They're not elected officials, they need to be removed."

Dobies said that's a job for the next sheriff to undertake.

Additional comments from council members:

Councilwoman Arlene Robinson, 1st Ward:

- "I was reluctant in the beginning because I wanted to make sure that I wasn't wavering on both sides. I understand due process. But being a woman of color and a person that has defended the civil rights of individuals over the last 30-plus years, I will stand with the City Council tonight to call for the resignation."
- "I understand forgiving. But it is very difficult to forget what has been said, what we have heard and what he has openly admitted to."

Councilman Freddie Dancy, 2nd Ward:

- "The things that he said, if he hadn't gotten caught, if he wasn't recorded, then he'd still be doing it."
- "
- "My opinion is, I'd like to see the governor do something, I'd like to see (Rand) resign and I'd like to see more done with the command staff. We need leadership there."



Councilman Jeromy Alexander, 3rd Ward:

- "This has, I think, been difficult for our entire city over the last couple weeks just to even have to recognize that this exists in our city. It's actually really sad."
- "For him to carry out the oath that he took, I think he has to ask himself if he can even possibly be an effective leader. I think the vast majority of Jacksonians do not feel that is possible."
- "I've had to ask myself if it is our place to say something, and I'm not sure if it is. I've had to ask myself the question, 'Is there enough information to say something?' And again, I'm not sure if there is. But I think it is definitely the obligation of every good person to call out bad when we see it. And this was bad."
- "I'd like to ask everyone here tonight and across our community that we do have dozens and dozens and dozens of (Jackson Police Department) officers and sheriff deputies that did not make comments and do not have those thoughts. Sheriff Rand does not represent the majority of our law enforcement officials."

Councilman Craig Pappin, 4th Ward:

- "The sheriff has taken full responsibility for making the statements, and as I understand, has asked for a civil rights investigation also be completed into his department. I think that's an important step."
- "In consideration of the vote tonight, I feel conflicted in that we have the rights of the public that we're interested in - but from my perspective, I'm also concerned of the rights of the individual person."
- "I am concerned about the lack of some of the information that I would like to know prior to making a motion today. Certainly the first part of the motion I agree with - condemning the sheriff's actions. Absolutely unequivocal. I'm not ruling out the second or third part of this particular resolution, but I'm not there yet. I can't support this right now, I'd like to hear some additional information. I may be there later on, but not at the moment."

Councilman Andrew Frounfelker, 5th Ward:

- "The city of Jackson is the largest municipality in the county. He represents all of us in law enforcement matters within our community. It would have been nice if the sheriff would have come and offered up his apologies."

Councilwoman Colleen Sullivan, 6th Ward:

- "The public cannot unhear the words said by the sheriff."
- "Let me be clear, as a woman, I've set aside my disgust regarding Sheriff Rand's discriminatory remarks. As a parent of a child with special needs, I've set aside my



anger at the repeated demeaning words of the sheriff. But as a City Councilor in a city that the sheriff has jurisdiction in, I will stand for what is right."

- "Our law enforcement and our citizens need to see action."

Mayor Derek Dobies:

- "An attack on any one of us as populations is an attack on all of us, as a community."
- "As a community, it's incumbent on its leaders to stand up and speak on behalf of those who can't speak for themselves."
- "When there's such an egregious breach of the public trust, I don't think you can be an effective leader going back and talking to some of those people that have been marginalized."
- "I don't want people in Jackson or outside of Jackson to think this sort of behavior is going to be tolerated here."
- "It's not a locker room, it's a command office."

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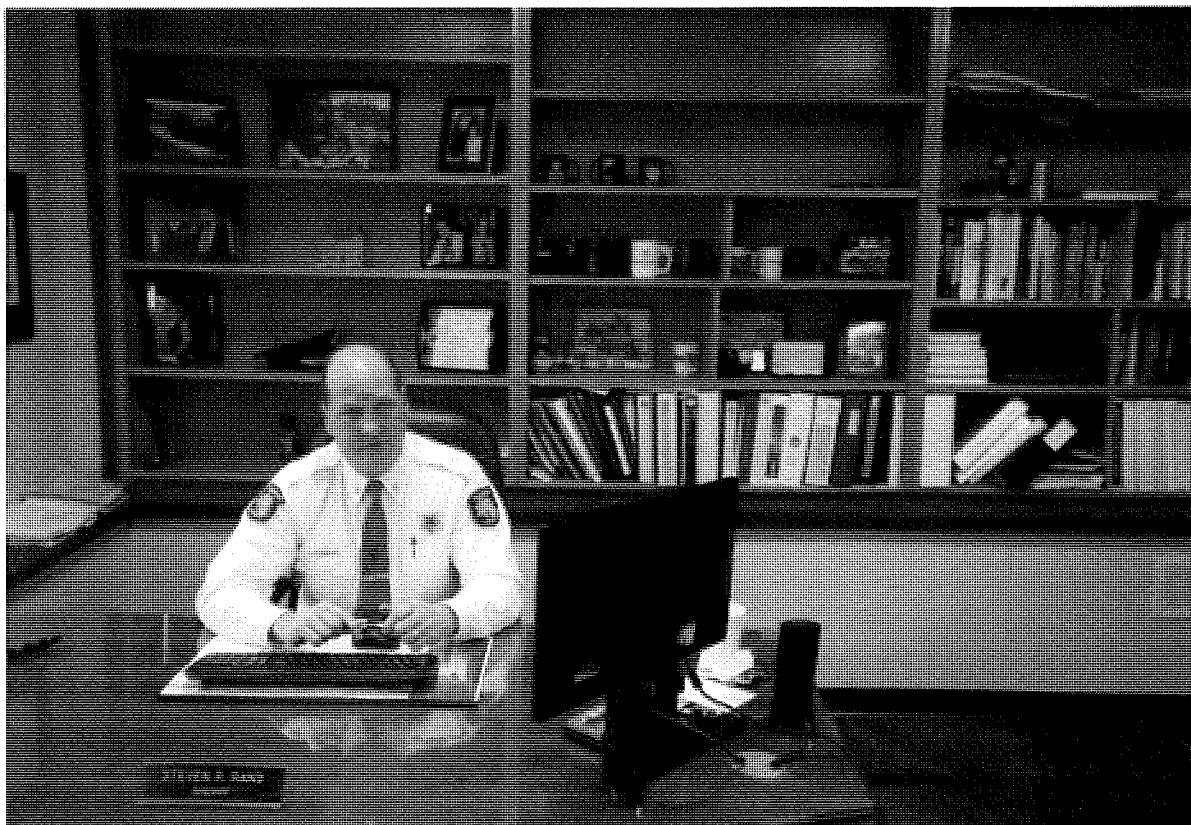
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Attorney general's office begins review into sheriff, at request of governor's office

Posted Feb 28, 2018



Jackson County Sheriff Steven Rand apologizes and talks in general terms about the situation involving him and a federal lawsuit from his office on Tuesday, Feb. 20, 2018. (J. Scott Park | MLive.com) (J. Scott Park)

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By Taylor DesOrmeau | tdesorme@mlive.com

JACKSON, MI - The process to have Gov. Rick Snyder remove Jackson County Sheriff Steven Rand has moved to the next step.

Jackson County's letter requesting Snyder remove Rand, an elected official, from office was received by the governor's office on Monday, Feb. 26, and forwarded to the attorney general's office the same day, said Anna Heaton, a governor's office spokeswoman.

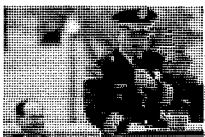


Jackson County board petitions governor to remove sheriff from office

The attorney general's office received the letter on Wednesday, Feb. 28, and will begin a review, spokeswoman Andrea Bitely said. There's no specified timeline on how long the review will take, Bitely said.

Rand is accused in a federal lawsuit of creating a hostile work environment and making derogatory comments at work targeting blacks, women, the LGBT community, the disabled and others.

He has publicly apologized for the comments and doesn't deny it's his voice in audio recordings presented by the plaintiff, Lt. Tommy Schuette.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot



Outside of a voluntary resignation, the only way to remove a sheriff in Michigan is through the governor's office or a recall. To force a recall election, 13,606 petition signatures would have to be collected in Jackson County.

Rand said last week he plans to stay in his position.

"We do send all requests of this nature directly to the attorney general's office for (review), since they have the investigation/law enforcement background and powers," Heaton said in an email. "Their (review) determines whether the situation meets the legal qualification for removal from office."

Removing a county official generally follows this process, Heaton told MLive earlier this month.

- A formal request for removal is sent to the governor's office, along with support for the removal.
- The request and support documents are then forwarded to the state attorney general's office.
- The attorney general's office reviews the claim to ensure it meets the legal definition of
- A recommendation as to whether removal of office charges should proceed is forwarded to the governor's office.
- If the governor wishes to proceed, a hearing is set for the elected official. There is no prescribed timeline for this to occur.

The next step for the attorney general's office is to determine which division will review the situation, Bitely said. The office has a division for each state agency, she said.



Once the review is finished, Bitely confirmed the office will make a recommendation to Snyder. The governor must follow MCL 168.207 in the process of removing any county officers, Heaton said.

The law allows the officer in question to provide a defense.

The city of Jackson joined Jackson County in calling for the governor to remove Rand, approving a resolution on Tuesday, Feb. 27 to send a letter of its own.



City joins county in formally asking Gov. Rick Snyder to remove sheriff

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AG Investigation Into Jackson County Sheriff Draws Parallels To Resignation Of Detroit Mayor

By [KAREL VEGA \(/PEOPLE/KAREL-VEGA\)](/PEOPLE/KAREL-VEGA), & [RICK PLUTA \(/PEOPLE/RICK-PLUTA\)](/PEOPLE/RICK-PLUTA) • MAR 1, 2018



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(//www.wkar.org/sites/wkar/files/styles/x_large/public/201803/rand_screenshot.png)

In a Youtube video published by MLive on February 20, Jackson County Sheriff Steven Rand apologizes for comments he made.

YOUTUBE

Earlier this month, Jackson County Sheriff Steven Rand came under fire for alleged discriminatory remarks he made against black people, women and Hispanic people. Following a request from The Jackson County Board of Commissioners to have Rand removed from his position, The Attorney General's office has started an investigation into the matter. As WKAR's Karel Vega and Capital Bureau Chief Rick Pluta discuss, the case shares similarities with another investigation that occurred under Jennifer Granholm.

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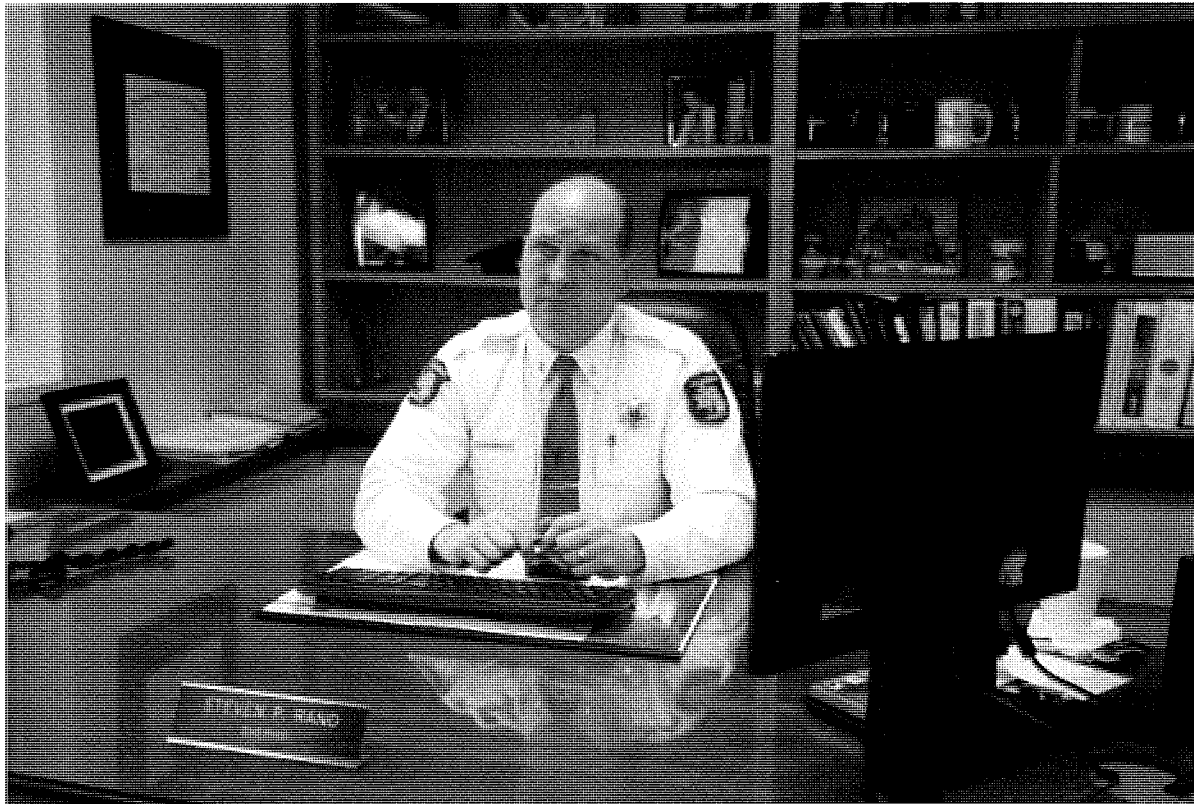
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JACKSON

Recordings show pattern of crude, degrading comments about women by sheriff and commanders

Posted Mar 14, 2018



Jackson County Sheriff Steven Rand apologizes and talks in general terms about the situation involving him and a federal lawsuit from his office on Tuesday, Feb. 20, 2018. (J. Scott Park | MLive.com)(J. Scott Park)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - They poke fun at lawmakers and public officials. They talk about their golf games and hunting deer. They discuss the Las Vegas concert shooting that killed 58 people in October.

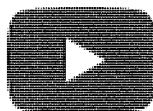
Laced with frequent profanity, there are conversations about current events intermingled with serious talk of legitimate sheriff's office business.

Most offensive in the audio recordings made by sheriff's Lt. Tommy Schuette, who is suing Jackson County Sheriff Steven Rand, are comments about women.

They are belittled, their qualifications are questioned and they are referred to as "b----" or "c---." Commonly, mention of a woman solicits commentary on her physical appearance.

MLive.com reviewed about four hours of recordings provided last month by Jim Fett, Schuette's lawyer. They seem to demonstrate that among the sheriff's office all-male command staff there is a culture or pattern of crude jokes, derogatory remarks and a demeaning way of discussing female subordinates, community members, public officials or job candidates.

Graphic content: Recordings of Jackson County ...



in one discussion of deputies in training during a command staff meeting, Rand singles out a soon-to-be officer. "(She is) the cute one, right?" He goes on to say the department could "just about do a calendar shoot with patrol, women on patrol."

There are some named women suggested as monthly features.

"She came in with f----- running shorts on Friday," another man says of a specific woman. "I almost went off. It was twitching bad... holy f--- I was out in the parking lot talking to (another man, referred to as a dip-s---), she was walking across the parking lot and I was like dude you gotta shut up for a second."

He makes some grunting-like or moaning sounds and there is laughter.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

Fett and Schuette declined to identify the others laughing and contributing in the conversations as they are not named in the lawsuit.

There is also a host of short snippets of less than two minutes without extensive context. All the recordings were collected at the sheriff's office, Schuette has said. Most were captured during command staff meetings.

Rand, a twice-elected Republican, has apologized for his statements and maintains he intends to remain sheriff, despite calls for his resignation and pending petitions to the governor to force him from office. He is undergoing training on racial bias, "unconscious bias" and diversity, he said.



Governor should remove sheriff if he doesn't resign - Jackson County board

GOVERNOR SHOULD REMOVE SHERIFF IF HE DOESN'T RESIGN, JACKSON COUNTY BOARD decides

'I say things I regret'

Rand has not heard all the tapes. "I am at a distinct disadvantage here," he said last week. "Because I still have to go to court and defend myself."

Rand would not respond "point-by-point" to some of the recorded remarks, but again apologized for hurting anyone and specifically to those mentioned by name.

The words do not "translate into actions or discriminatory actions by this department," Rand said.

'Please try to accept my apology,' sheriff says in first on-camera interview

He noted the recordings were made in secret without his knowledge and with what he said was an intent to discredit him.

"There are a lot of conversations that are had, and I am not speaking only for myself, that are never intended for ears outside of four walls," he said. They are private discussions among "colleagues or friends."

He did not know whether the statements are in context. "I would say the vast majority of these conversations were not initiated by me," he said.

He conceded he is the office leader, a position he cannot escape. "I don't get time when I am not the sheriff," he said. "There are those moments, when I am also human, and I say things I regret saying or I wish I hadn't said..."



"I am sheriff 24/7 and I should set a better example. There is no doubt about that."



'I deeply embarrassed myself, my department, my family,' sheriff says

In the suit, Schuette alleges Rand is a "multifaceted bigot" who has used slurs in the presence of many people, including Schuette, that target blacks, gays, women and those who are overweight or disabled.

Experiencing constant ringing in his ears, Schuette contends Rand mocked him for his hearing loss, likely related to work-related noise exposure, and referred to a former black deputy as a "dumb n-----."

'I had to do the ethical, and the morally right thing,' lieutenant says

'F----- monkeys'

There are no recordings of Rand making comments about the hearing loss or of the sheriff using the racist epithet. Race is addressed, however, in multiple conversations.

In one 16-second clip, Rand is heard saying "f----- monkeys." There is a lot of indistinguishable background noise. Schuette contends the sheriff was watching a video of a fight involving black combatants.

During one 45-minute recording, of what seems to be a casual meeting involving Schuette, Rand and another sheriff's commander, the commentary veers to an employee who has been calling in to work - "I'd love to be rid of her," the sheriff says.

to irritation with state lawmakers - "God, that (state Sen.) MIKE SNIRKEY is a weird f----- guy." To a black police officer who worked for another department - "He lives in a white, suburban neighborhood. Away from this. And he can come down here and jive with all those f-----. But he's not one of them," Rand says.

In the same conversation, a participant makes a sudden observation of a woman, possibly passing by the office on W. Wesley Street. "What the f--- you have on there?"

Schuetz says: "Who is it?"

Rand replies: "Oh, she went with the naughty librarian look."

The third commander observes she is wearing heels. "Yeah, if you have nice legs, wearing a long skirt is not exactly..." Rand responds. "Unless it has a slit all the way up."

The other man continues: "Right up to the old crotch."

Rand laughs. "S---."

The sheriff tells one command officer during a meeting that his mother is hot. "I'd bone her."

Of a female court employee mentioned by Schuetz because she allegedly snubbed him at a public gathering, Rand says: "You just realized she is a f----- c---."

In talk of a former dispatcher, one sheriff's leader says: "She was dirty hot."

On previously published recordings, Rand is heard calling Chief Circuit Judge Susan Jordan a "scatter-brained c---" and discussing the creation of a pornographic film of a murder involving a female court employee. It is clear from the longer context - both remarks were made during one staff meeting - that Schuetz did not provoke either comment.



'I had to do the ethical, and the morally right thing,' lieutenant says

A 'more diverse workforce'

When asked about women working in or with the department, female applicants and his or his staff's attitudes about women, Rand has noted his office now employs more women than at any other time in its history.

"We are working even harder at achieving a more diverse workforce, and we are going to do it, and I am going to be part of that," he said last month.

Rand said the increasing number of women is a new development and the women will rise through the ranks. There was a now-retired female sergeant at the jail and three of four shift leaders in the 911 dispatch center are women, he said.

Recorded discussions of female job candidates or training deputies, however, suggest the considerations are not all professional.

In one meeting, Schuette, talking of hiring officers, mentions corrections or other employees interested in becoming road patrol deputies, including one woman.

Rand says: "Glad you brought that up. She has got a meeting scheduled with me today at 10:30. What the hell does she?"

He is told she wishes to go to the police academy.

Another man says: "I don't think she is going to pass the physical fitness."

Rand replies: "Well, there is a different standard for women. "

A fellow commander says "they dumbified that down."



The group discusses a seven-pushup requirement for women. Rand questions: "Seven?"

Schuetz repeats it: "Seven pushups."

Rand responds: "From her knees?"

'You like skin, too'

In a separate seemingly mundane conversation about boots and shoes, Rand makes a remark about his interest in breasts.

Rand says black socks are a must. "They better be long enough so I am not seeing skin and all that. That looks stupid....," he says.

A commander responds: "You like skin, too, so that's kind of surprising."

Rand says: "I like titties and beer."

Another voice says in a mocking tone: "And confederate flags."

These and other statements are accompanied by laughter, as though said in jest.

This is also true of a brief recording of Rand calling Schuetz a "queer." The sheriff, laughing, eggs on Schuetz. "I think you would. I think you should try it. In fact, let's turn the lights down... Come on Tommy. You know you want to."

In talk of another commander's apparently dirty shirt, Rand says: "Dude, if you'd swallow instead of spit, you wouldn't have that problem."

Schuetz has said Rand believes he is funny. "He is just an extremely vindictive person who lives to capitalize on others' misfortune."





'A big old dick'

Other times, the sheriff is recorded speaking critically about public officials.

One commander calls District Judge Michael Klaeren a "f----- little b----."

Another says: "Thank you."

Rand responds: "Unless you get on his bad side... then he turns into a big old dick."

When approached last week, Klaeren declined to comment. During a July court hearing, he was critical of the jail captain because an inmate's bond had been changed without Klaeren's authorization.

Rand complains about a text message Shirkey, R-Clark Lake, sent about the time of the Las Vegas massacre. Rand says he texted Shirkey that the violence "confirmed to me that the world is truly going to hell."

Shirkey, he said, did not respond. "F---. Why are you texting me? Why?" Rand asks of the senator, who has condemned the sheriff's remarks as unacceptable but expressed confidence Rand will "do what is right."

"As long as he didn't say anything about my wife or my kids, I don't give a crap, and I mean it," Shirkey said last week. Thousands have probably said worse, he said.

Rand continues by complaining about State Rep. Julie Alexander, R-Hanover. "And this f---- -- Julie Alexander is more concerned about our inmates than she ever was about us," he

says.

"Anytime a constituent reaches out to our office with concerns, we always follow up with proper protocol to get answers to our constituents' questions," Alexander responded.

"It's my job to respond to whatever issues people bring to me."

Alexander declined to comment on the sheriff's specific statements about her and did not call for his resignation. She wants to make an informed decision and investigations are ongoing.

"I am thoroughly disappointed in his comments overall," she said. "It is very unfortunate for our entire community."



Community leaders react to vulgar comments, allegations against Jackson sheriff

'The buck stops at the sheriff'

For sometimes long periods, the commanders discuss expected topics, such as shift oversight or scheduling concerns, equipment improvements, staff training or the makeup and population of the jail. There is talk of rearview cameras in patrol cars, a missing child and police vehicle crashes.

This was not a locker room or a golf course, Schuette has said. "This is a work place. And it's a sheriff's office, out of all places."

He said he is not trying to "pile on the guy" and he does not pretend to live in a glass house, but he has not heard his friends discuss murderous pornography.

"I am disappointed in his comments overall," she said. "It is very unfortunate for our entire community."

"I understand what people are saying locker room talk, guy talk," Schuette said. "I totally understand that. But I think the buck stops at the sheriff."

For a full listing of stories on Rand, the lawsuit and an ongoing state police investigation into the sheriff's office, [click here](#).

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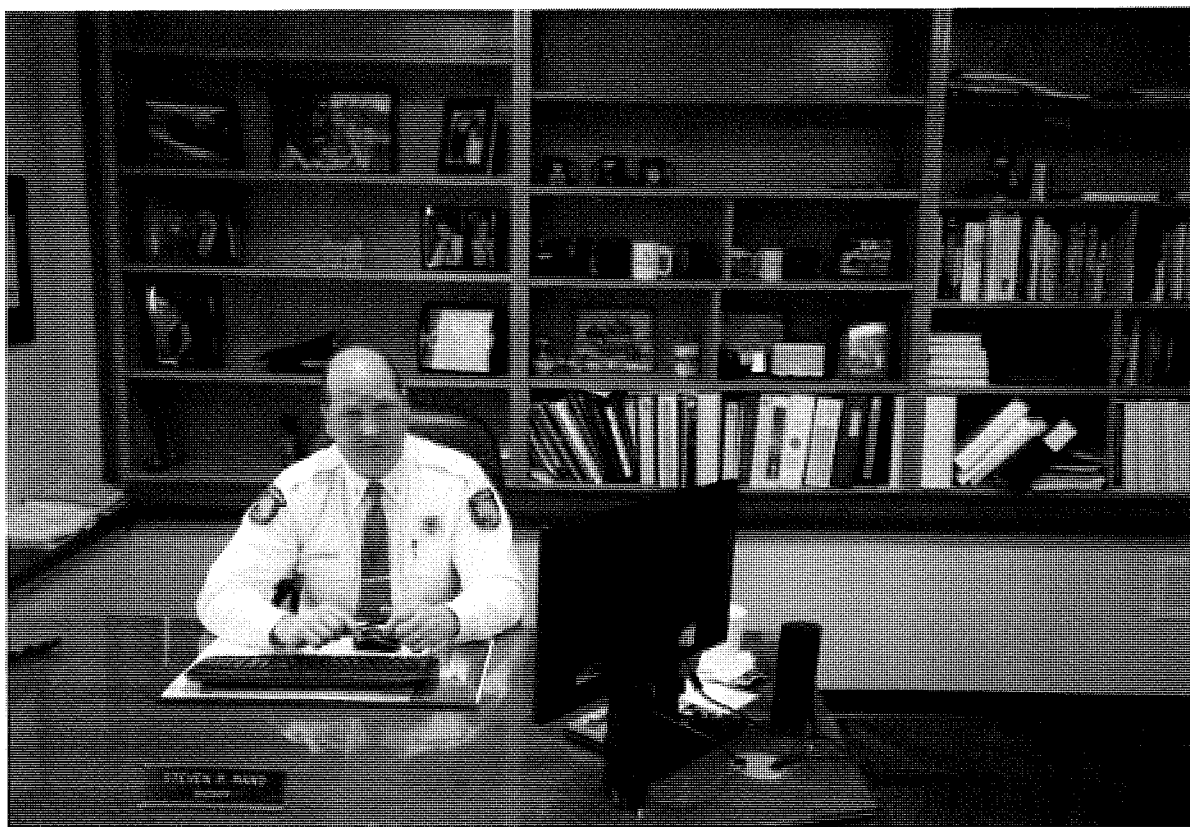
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JACKSON

Police explored allegation of misappropriated funds at sheriff's office

Posted Mar 15, 2018



Jackson County Sheriff Steven Rand apologizes and talks in general terms about the situation involving him and a federal lawsuit from his office on Tuesday, Feb. 20, 2018. (J. Scott Park | MLive.com) (J. Scott Park)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - Michigan State Police have been investigating an allegation of misappropriation of funds or financial improprieties within the Jackson County Sheriff's Office.

The investigation was completed last week and Detective 1st Lt. Tom DeClercq has an appointment next week to present the findings to the state Attorney General's office, the lieutenant said Thursday morning, providing the first glimpse into the nature of the inquiry.

DeClercq, of the Lansing-based First District Special Investigation Section, would not comment on what the investigation revealed or provide any details or specifics.

It will be up to the attorney general's office to determine whether the case warrants any criminal charges.

DeClercq would not say who or what agency reported the accusation, which was specific to Sheriff Steven Rand. Jackson County leaders have said, in a statement, they contacted the state police and the attorney general's office when sheriff's Lt. Tommy Schuette came to them in January with a list of concerns about Rand. County Administrator Mike Overton has hardly deviated from or elaborated on the statement, saying it could jeopardize the work of the state police.

The state police have said the investigation is separate from the allegations contained in the lawsuit filed last month on behalf of Schuette. It contends Rand created a hostile work environment, harassing Schuette for his hearing loss, and the county retaliated against Schuette for opposing and reporting Rand's conduct.



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

Schuette's lawyer, Jim Fett, released recordings collected by Schuette of Rand making offensive comments, especially toward women, in command staff meetings. He calls the chief circuit judge a "scatter-brained c---", discusses the creation of a pornographic murder film involving a female court employee and demeans a woman job candidate by demanding Schuette detail her appearance.

Rand has apologized repeatedly for his statements. He is confident the state police will find no criminal activity within his department, he earlier said. "I have got, frankly, some of the best people working here that simply wouldn't allow that."



'I deeply embarrassed myself, my department, my family,' sheriff says

Rand's recorded derogatory remarks, however, have moved the Jackson County Board of Commissioners and the Jackson City Council to call for his resignation and to petition the governor to remove Rand from office.

The attorney general's office received in late February a request from Gov. Rick Snyder's office to review the claims and determine whether they meet the legal definition of misconduct in office.

As late as Thursday, Rand said he intends to remain sheriff. He is undergoing training and rebuilding trust, he said.



Attorney general's office begins review into sheriff, at request of governor's office

For a full listing on stories addressing the lawsuit, the criminal investigation and the reaction among local politicians, [click here](#).



Recordings show pattern of crude, degrading comments about women by sheriff and commanders

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Mayor Dobies pens letter calling for Michigan Civil Rights Commission investigation of Sheriff Rand



Derek Dobies

Mar 26, 2018 · 4 min read



The Michigan Civil Rights Commission cited "systemic racism" in its Flint water crisis report after soliciting testimony through hearings with the general public and civil rights experts.

The following is a letter Jackson Mayor Derek Dobies sent to Michigan Department of Civil Rights Executive Director Agustin Arbulu on March 26, 2018. The letter and supporting documents were delivered to the Michigan Civil Rights Commission for consideration.

Dear Director Arbulu,

When a law enforcement officer swears an oath, puts on a uniform, and pins on their badge, they are charged with enforcing the law in the most unbiased, respectful, and ethical manner possible. As local elected officials, we believe that Jackson County's chief law enforcement officer should be held to the very highest standard.

Anytime a public servant not only allows their office to be a haven to degrade and demean African-Americans, Women, Hispanics, the LGBT community, and people with disabilities, but directly participates and encourages that behavior, it erodes the public trust. When an officer of the law speaks of using their weapon to murder a woman for sexual gratification, that trust is gone.

Unfortunately, under the leadership of Sheriff Steve Rand, this outrageous behavior and misconduct transpired in Jackson County. I have attached supporting evidence to this letter, and I encourage the Michigan Department of Civil Rights and the Michigan Civil Rights Commission to give its full attention and consideration.

For over a month now, this controversy has been a growing blight on our community. To fight crime in Jackson County, it's crucial that police and our community can trust each other and work together. We are frustrated that the comments made by Jackson County Sheriff Steve Rand will certainly obstruct that aim.

That's why the Jackson City Council, the Jackson County Board of Commissioners, the Jackson County Chamber of Commerce, the Jackson County Branch NAACP, the Jackson County Democratic Party and numerous religious, business, and civic leaders have called on Sheriff Rand to resign. It is crucial that this happens in order to restore public trust in the office of the Sheriff and so the department can refocus its work on serving all people.

Unfortunately, Sheriff Rand has made it clear that he has no intention of resigning. Instead he selfishly insists on remaining and using his office to repair the self-inflicted damage made to his reputation and

character. I use the word selfishly because public office is not about servicing the individual in office but about how best serving the public. Sheriff Rand's trail to redemption should begin again—likely a more genuine, and more forgiving manner—as a private citizen. This would provide an opportunity for new leadership that can better allow our community to heal, restore public trust, and rebuild a productive relationship between law enforcement and our citizens.

Due to Sheriff Rand's refusal to resign, the general public is left with two options: (1) to mount a successful recall election, or (2) petition the Governor to remove the Sheriff for misconduct in office. Both are difficult prospects.

I believe these comments not only qualify as official misconduct in office but pattern to the implicit bias, prima facie discrimination, and potential disparate treatment that likely pervaded the work of the Sheriff as the top law enforcement officer in Jackson County. Discriminatory comments like Sheriff Rand's based on race, sex, national origin, sexual orientation or gender identity, and disability warrant an investigation into whether those comments compounded into discriminatory decision making and treatment in law enforcement.

The Michigan Constitution affords the Michigan Civil Rights Commission the power to investigate alleged discrimination against any person because of religion, race, color or national origin in the enjoyment of the civil rights guaranteed by law and by our Constitution, and to secure the equal protection of such civil rights without such discrimination. The Michigan Constitution also gives the Commission the power to hold hearings, administer oaths, require the attendance of witnesses and the submission of records, to take testimony, and to issue appropriate orders in carrying out that purpose.

Please allow this letter to serve as a formal request that the Michigan Civil Rights Commission

investigate Sheriff Rand for discriminatory conduct within the Sheriff's office in order to ensure that all citizens in Jackson County are afforded equal protection under the law. As Mayor, I request the Commission hold hearings in Jackson to bring confidence and justice to those communities affected by this matter. I would be happy to assist with venues, facilitators, security, and any other logistical concerns or reasonable resources the Commission may require.

We live in a time where top elected leaders openly embrace a rhetoric of hate, intolerance, and division. That encourages and emboldens racists, bigots, and those who seek to divide us to emerge from darkness, to come out from under their sheets, to poison the values and threaten the institutions that make America so great.

The Michigan Civil Rights Commission can take a stand against that culture of discrimination. With Bishop Ira Combs serving as a new Commissioner from the Jackson community, this presents a tremendous opportunity for the Commission to show leadership, relevance, and authority on a local discriminatory matter that begs for resolution.

Last year, our city worked hard towards building a more tolerant, inclusive community—one that views diversity as a strength and gives no quarter to discrimination. We shouldn't allow anyone—not even the most powerful among us—to stand in the way of that progress.

We humbly ask that the Michigan Civil Rights Commission stand with us.

Very Respectfully,

Derek Dobies

Mayor, City of Jackson

. . .

The following is a letter Jackson Mayor Derek Dobies sent to Michigan Department of Civil Rights Executive Director Agustin Arbulu on March 26, 2018. The letter and supporting documents were delivered to the Michigan Civil Rights Commission for consideration.

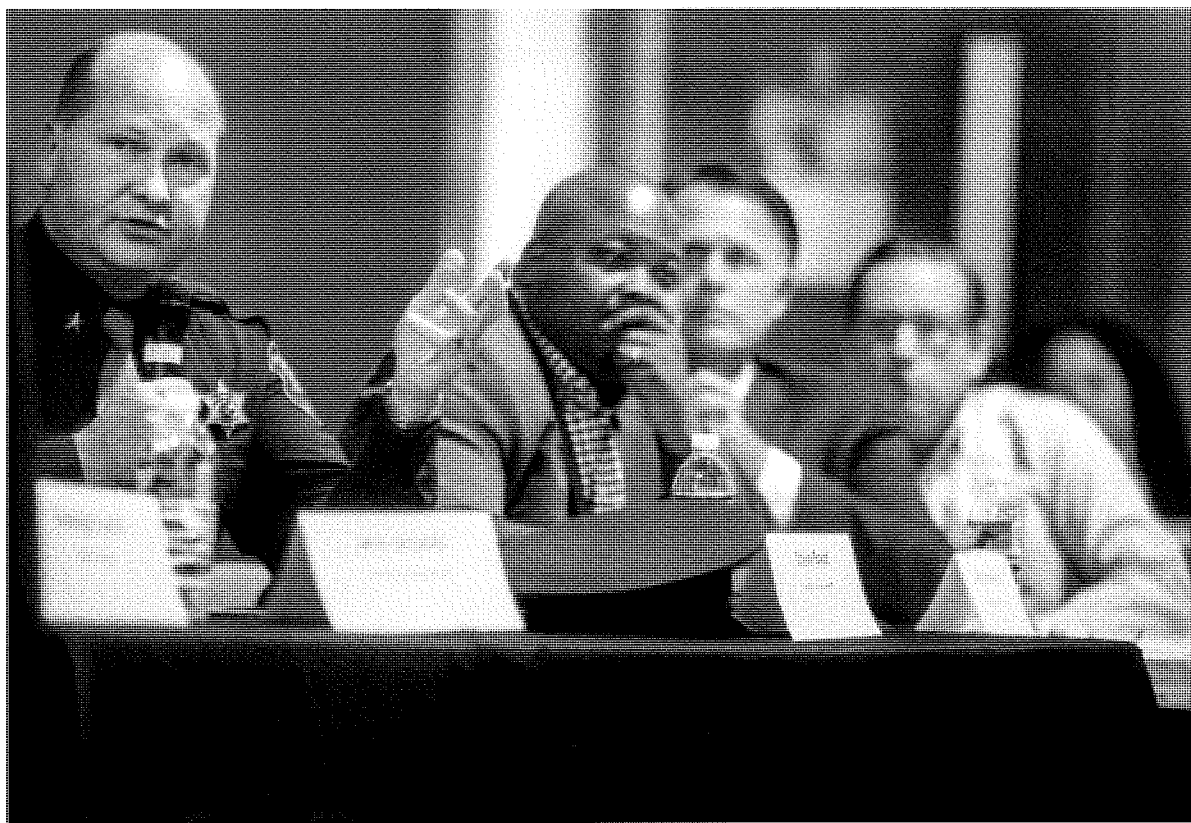
Full letter available [here](#). Evidentiary documents [here](#) and [here](#).



JACKSON

Black leaders oust Jackson sheriff from meeting, call for resignation

Posted Apr 14, 2018



Jackson County Sheriff Steve Rand speaks at the Martin Luther King Center in Jackson, Michigan, Thursday, November 9, 2017. Community leaders, politicians and residents gathered to address the most recent city violence. There had been six homicides since July in or near Jackson. (Claire Abendroth | Mlive.com)(Claire Abendroth)



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JACKSON, MI - About 30 black leaders decided this week they did not wish to include Jackson County Sheriff Steven Rand in ongoing discussions about how to address community gun violence.

Citing an erosion of trust, they called for the embattled sheriff to resign.

"The group felt it would be difficult for him to execute the responsibilities of the office, especially as it pertained to working closely with the African American community," said Lee Hampton, director of multicultural affairs and chief diversity officer at Jackson College.

Rand was to attend a meeting Thursday night at Jackson City Hall scheduled by the citizens as part of an effort that began last year, after several African American men were shot and killed in and near Jackson, to put together plans to eliminate or reduce firearm violence.

The sheriff, who took part in an initial forum, and Undersheriff Chris Kuhl went to the meeting, but left at the very start, at the request of those gathered, according to attendees. The decision, made seconds before the sheriff's arrival and after a vigorous exchange, was "relatively unanimous" among the educators, pastors, lawyers, elected officials, and business leaders, said Hampton and John Willis, Jackson neighborhood outreach coordinator and supervisor of the Martin Luther King Center.

Guns, jobs for felons, broken families discussed at meeting addressing violence



Without confidence in the sheriff to handle their concerns, the men and women instead presented suggestions on Thursday to Prosecutor Jerry Jarzynka, County Board of

Commissioners Chairman James "Steve" Snotwell Jr., Commissioner Daniel Manoney and Administrator Michael Overton.

Recommendations include establishing a sheriff's community liaison position and developing a plan to attract and retain more diversity in county employment.


The meeting was in the making before an attorney representing sheriff's Lt. Tommy Schuette gave MLive recordings of Rand making offensive comments, mostly about women, in command staff meetings.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

The recordings were presented in support of a lawsuit alleging Rand used a racial epithet and made derogatory comments about African Americans. This news evoked "so many raw emotions," it would have been disingenuous to proceed as usual without first addressing the developments, Hampton said.

It was important, during polarizing times in the country, for the leaders to come together and take a stand, Willis said.

In the lawsuit, Schuette alleges Rand is a "multifaceted bigot" whose slurs have targeted blacks and other groups. He is recorded saying "f----- monkeys" while reportedly watching a video of black combatants, and allegedly called a former black deputy a "dumb n-----." 

In one discussion about a black deputy under internal investigation, he allegedly said: "We should step on their necks like we used to." These later remarks are not among those included in the recordings obtained by MLive, but are part of the lawsuit.

"It is hard to gather that you have our interest when you have made statements of that nature. It's difficult to visualize that you are there," said Jackson NAACP President Arlene Robinson. "I know he is asking for it. He is wanting support... but that just can't be forgotten."



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

Rand has declined, in interviews with reporters, to address specific allegations, but has acknowledged his voice on the tapes and repeatedly apologized for his comments. In an answer to the lawsuit, he neither admitted nor denied making the race-related statements. He told MLive in February he does not "harbor any bigotry."

He did not return messages left Friday, April 13 at his office and on his cell phone.

'Please try to accept my apology,' sheriff says in first on-camera interview

Despite calls from the City Council and the county board of commissioners to resign, Rand has said he does not intend to do so. With the support of both bodies, the governor's office began a pending process to possibly remove Rand from his position.



Attorney general's office begins review into sheriff, at request of governor's office



Past the point of no return

Commissioner Daniel Mahoney speaks about his opinion on the board's decision to ask for Sheriff Steven Rand's resignation Feb. 20 at the Jackson County Board of Commissioners meeting in downtown Jackson. (Claire Abendroth | Mlive.com)

To the chagrin of some in the black community, Rand remains atop the sheriff's office, two months after the recordings were made public.

"He may be fit for the position in another county that thinks the language that he used is OK. But Jackson County's come a long ways. Allowing an individual like that to stay in the position that he's in, is going to make this county go back. It's already caused us a black eye, up to this point, that we're trying to figure out how to get out of it," Mahoney said at a March 20 county commission meeting.



It bewilders him now anyone could continue to stand on Rand's side, after statements uttered at the sheriff's office, on the public's dime.

"I don't know a job in this world I could get away with talking to my subordinates talking the way this gentleman was talking to his. I don't know a job that I could keep. I don't know one."

Several other leaders would likely agree. All those interviewed in recent weeks called for the sheriff to relinquish his role, even as they personally forgive him for misdeeds.

"It is past the point of no return," Erin White, a Jackson School Board trustee, said on Wednesday. "His behavior is utterly unacceptable as an elected official, especially in law enforcement."

He said the sheriff "clearly displayed bigotry."



Erin White

"Through many different facets of people, not only African Americans, but women. I think it is pretty across the board that just as a person I am offended."

Rand, appointed in 2011 and twice elected, has said his words do not reflect actions by himself or his department. He noted he was secretly recorded behind closed doors, while among colleagues or friends.

This does not matter to White. "I think integrity. That is the definition of integrity when you do things when you are either alone or there are people around you."



Henry Grayson, a former Michigan Department of Corrections warden with involvement in the local branch of the NAACP, also called Rand's comments "unacceptable," as he waited Thursday for the elevator at City Hall.

"There is nothing he can do to change that," he said.

It is "a little late" for the sheriff to undergo training, as Rand has indicated he is and will, Grayson said, echoing sentiments of other black leaders.

"In a way, that is adding insult to injury, in my judgement," said Charles Anderson, another former warden who has served on numerous Jackson boards and committees.

"As long as he has been around, and he is aware of the many changes that have transpired in this society... he worked his way up through the ranks and there is no excuse for those type of comments that seemed to be so deeply engrained in his psyche..."

He questioned: "What will change the scenario now by him bringing in civil rights or any other group, if it hasn't already taken place under his control?"



Why a black civil rights commissioner is defending the embattled Jackson County sheriff

Comments can be made with "your buddies," Anderson said.

"But when you are in a position such as he is now, you got to leave that when you shut that door and go to work and forget about it and perform to the expectations of your community."



'It doesn't take all'



On the right, John Willis, Jackson neighborhood outreach coordinator, holds a microphone for concerned residents wishing to ask questions or express opinions Nov. 9 at a meeting addressing gun violence at the Martin Luther King Center in Jackson. (Claire Abendroth | Mlive.com)

The sheriff is something of a general. People follow his commands, Willis said. "And you don't want them... to operate in a different manner than they would with anything else, thinking that, if our general feels this way, that we have a little more leeway to do things that wouldn't be appropriate or that would be biased."

Willis does not believe all deputies harbor prejudice or lack objectivity. "But it doesn't take all," he said.

"It just takes anybody that is willing to use that loophole, or who even would naively feel they would be supported in doing something."

The unions representing county sheriff's deputies and sergeants issued a statement in February, saying they believe the use of derogatory language is unprofessional and would reflect negatively on their ability to serve citizens. "The road patrol sergeants and deputies are vehemently against the discrimination of any person based on sex, race, religious preference, sexual preference, physical appearance etc.," it read.

Police unions denounce discrimination in wake of Jackson County

Sheriff's comments



SHERIFF'S COMMENTS

If nothing else, the sheriff's behavior or alleged comments, affect perception among black residents, Willis said.

Historic challenges make the matter especially difficult to overlook. "It is already a strained level of trust," Hampton said.

The comments give validity to longstanding concerns that there are no real efforts to diversify the force - the sheriff's command staff, for example, contains no women or people of color - that there is a culture that doesn't respect the entirety of the community, that there is a perceived lack of genuineness, Hampton said.

Willis noted: "We are basically one generation removed from the Civil Rights Movement," the struggle for social justice and desegregation in the 1950s and 1960s.

"It's not that far removed like people think it is."

This is about more than the sheriff, Hampton said. "It is about changing a culture."



Recordings show pattern of crude, degrading comments about women by sheriff and commanders



'I am not comfortable'



The Rev. James Hines gives the invocation at the Michigan Theatre in Jackson during the MLK Day Legacy Service Project on Jan. 15. After a short rally, students and other volunteers went into the Jackson community to do service projects. (J. Scott Park | Mlive.com)

What image is projected if the sheriff can stay in office after making such comments, asked the Rev. James Hines, pastor of Lily Missionary Baptist Church, who spoke to a reporter two days before Easter. It was traumatic for him to listen to the recordings, which reminded him of pain endured by his parents, his grandparents, and his son.

"As an African American parent, I have lived through the nightmare of police brutality, do you think I am comfortable having my children pulled over by this law enforcement, after those statements?"

Hines' son, Joseph was badly beaten in 2012, near the campus of Ohio State University; he was convicted only of littering and later won a \$30,000 verdict in a police brutality suit.



"I am supposed to be made comfortable in a community that is sworn to protect and serve me. I am not comfortable."

Police brutality lawsuit: 'You walk with your Bible and at peace, and they give you pennies'

Like others, Hines talked of forgiveness.

He has to balance teaching this and love with taking a moral stance.

"It undermines the civil rights movement to say what (Rand) done is OK."

Hines is familiar with the sheriff, and would never have thought "that was Steve Rand's belief or position."

"Steve Rand is a man I have sat beside and had peaceful conversations with, and that is what makes the conversation hard," Hines said.



Lee Hampton speaks Nov. 9 at the Martin Luther King Center in Jackson. Community leaders, politicians and residents gathered to address violence. There had been six homicides from July to November in or near Jackson. (Claire Abendroth | Mlive.com)



Hampton said his children have played with Rand's children. As a man of faith, he accepts the sheriff's apology. He believed Rand's comments about regret, for his family and his

children, were near their. "But there are consequences to the decisions we make as leaders."

Hines has fielded hundreds of questions about the situation. He knows it has been the conversation at African American dinner tables around Jackson, and he was cautious about drawing a conclusion.

"But there was enough of it that was owned up by the sheriff," he said.

"I personally believe it (would be) difficult to faithfully execute the responsibilities of the office moving forward."

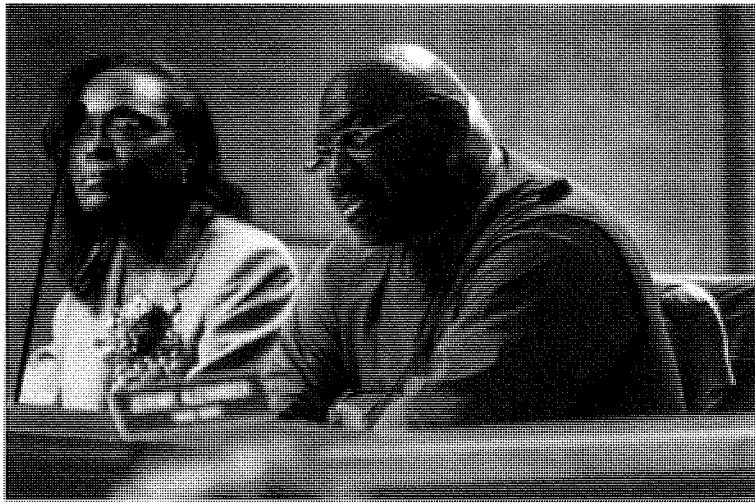
To Willis, the call for Rand's resignation is not personal. The two had meetings. They watched football games together. "I wish the best for Steve and his family and for everyone."

Forgiveness is a given; that's the way he was raised, he said. "But you also have to be honest about, can that person still function in that capacity and be effective, do you still have the confidence, the faith in that person or have they compromised that position to the point that you need to make a change?"

It's the community. It's leadership, he said. "It's what we want Jackson to look like."

'It's full of hate'





Councilman Freddie Dancy, sitting next to Councilwoman Arlene Robinson, listens during a Jackson City Council meeting Dec. 5 at city hall. (Jake Crandall | Mlive.com)

Some said the changes need to extend beyond Rand - sheriff's leaders were recorded laughing and making accompanying and equally offensive comments.

"If I speak hatred and people work for me and they are not bothered by that, they believe that also, and it become systemic through the organization," Hines said.

Members of the command staff also should be removed, Jackson Councilman Freddie Dancy said at the end of the council meeting on April 10.

"We talk about hate, it's full of hate. Some people just said we need to, tolerance. But it's hard, when you're talking about dealing with tolerance, when the words that came out of his mouth, the things that he said, it cuts deep. It cuts very deep," Dancy said.

"People say, why are we still bringing it up, why are we still doing what we're doing. Well, as long as he's there, I know I'm going to continue to pursue it, keep going after him."



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JACKSON

Jackson sheriff accused of taking money from jail account to buy \$32,000 SUV

Posted Apr 18, 2018



In this file photo, Jackson County Sheriff Steven Rand, right, and Undersheriff Christopher Kuhl, middle, show what was the current visiting area at the Jackson County Jail's Wesley Street location on Tuesday, April 18, 2017. (MLive Media Group)(MLive Media Group)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - Michigan State Police investigated an allegation Jackson County Sheriff Steven Rand misappropriated money from the Jackson County Jail commissary fund to purchase a \$32,300 take-home work SUV exclusively for his use.

Sheriff's Lt. Tommy Schuette made the complaint and a detective began a "public integrity" investigation in late January, according to a police report. This was weeks before Schuette sued Rand and Jackson County, alleging Rand created a hostile work environment and the county retaliated against him for reporting Rand's conduct.



City discourages heckling at forum on Jackson County Sheriff allegations

In May, the sheriff's office bought the 2017 Ford Explorer for \$30,359 plus \$1,952 in "trim level or options." The money for the vehicle came from the general fund, capital improvement budget designated for sheriff vehicles, Undersheriff Chris Kuhl has said, and provided documentation.

The documents, which Kuhl earlier gave to the Citizen Patriot/MLive, are included in the police report, obtained this week through a Freedom of Information Act request.



Jackson County sheriff received 22 percent pay increase in 2017

The police report shows state police Detective Sgt. Christopher Corriveau asked Kuhl whether money was transferred from the commissary account into the general fund to

purchase the Explorer, but Kuhl's response is redacted. Whole sections of the report are blank. No accounts of statements made by Kuhl or Schuette are included.

Information on the conclusions or status of the investigation also is removed. Detective 1st Lt. Tom DeClercq of the Lansing-based First District Special Investigation Section said he took the report to the attorney general's office in March.



Police explored allegation of misappropriated funds at sheriff's office

When asked about the case last week, Megan Hawthorne, a spokeswoman for Attorney General Bill Schuette, wrote in an email: "We do not comment on open or pending investigations." An effort to again contact Hawthorne on Wednesday was not successful.

"We are confident that upon review, the attorney general will find that expenditures were appropriate and well within the standards of accepted accounting practices. Furthermore, any allegation that we used Commissary Account funds to purchase a vehicle is simply ridiculous," Kuhl wrote in a Wednesday email.

In the police report, there are commissary records from February 2017 to May 2017. At that time, the fund took in about \$99,000; about \$72,000 was spent and none of it appears to have been transferred to the general fund.

During same period, the county Personnel and Finance Committee approved in February 2017 the purchase of seven sheriff's vehicles, including a \$26,944 SUV "investigative vehicle" with a "street appearance" to replace a 2008 Chevy Impala with a failed engine. The information presented to the committee did not specify that the vehicle was for Rand,

a fact that has since invited scrutiny. A memo on the agenda item is included in the state police report.



Purchase of sheriff's vehicle called into question at county meeting

In December, \$96,500 was transferred from the commissary account to the general fund, records obtained from the sheriff's office show. "The check went back to the general fund as revenue to the County of Jackson to offset the costs of county jail operations," Kuhl wrote. In December 2016, \$51,226 went to the general fund from the commissary account.

"That was the whole intent of commissary, to provide revenue to the county and reduce costs to the taxpayers while enhancing the security of the facility," Kuhl wrote. "As we continued to reduce our budgets over the last several years we were challenged by the county administrator in our budget meetings to find new inventive ways to raise revenue and reduce costs.

"The sale of commissary like this is fairly common practice throughout the state."

Grand Rapids-based Canteen Services Inc., which contracts with the sheriff's office, sells snacks, pop, soup, select magazines, games, coffee and other such items to inmates, who pay from their individual accounts. Purchases are made through the commissary system - using kiosks; there is no exchange of cash - and the provider issues the sheriff's office checks for the profits.

This money goes toward building maintenance, equipment and protection for corrections deputies, inmate education/recreation/religious services and jail facility needs, Kuhl wrote.

"Commissary can be used for anything, to my knowledge there are no stringent requirements..." Kuhl wrote

He used these examples of expenses: TVs for inmate quarters, barrack door replacements, digital cameras, computer monitors for the jail education program, mat runners for public lobbies, bus tickets for indigent inmates to return home, food for trustees who miss meals while working on projects, basketballs for inmate recreation time and bullet proof/cut resistant vests for transport officers.

A three-year record of transactions, obtained from Kuhl through the Freedom of Information Act, shows mostly smaller purchases, such as \$15.85 for Spanish bibles, \$224 for vacuum bags, \$554 for USB flashdrives, \$500 for a clergy dinner, \$409 for White's Chicken for trustees, \$515 for "shakedown cameras." In 2016, about \$11,000 was spent on new mattresses.

"Each year for the counties annual audit all the bank statements are supplied along with any further requested supporting documentation for expenditures," Kuhl wrote.

Last year, "total inflows" were about \$289,341, according to records from the sheriff office. Outflows exceeded this by about \$47,800. In 2017, the commissary took in about \$254,800. About \$258,900 was spent.

Bank documents, however, show the fund maintains a positive balance. In January, the most recent month provided, there was a total balance of \$62,239, documents provided by Kuhl show. As of Dec. 15, there was nearly \$154,000 in the account.

Extortion inquiry

The report also mentions an extortion investigation involving Tommy Schuette. DeClercq earlier confirmed such an inquiry, but did not name the lieutenant as the subject.



Jackson County Administrator Michael Overton contacted DeCierco and informed him "Schuette had met with him and played recordings of the Jackson County sheriff making inappropriate statements," the report states. "Additionally, Overton alleged that Lt. Schuette had demanded money or he would release the aforementioned recordings."

On Feb. 5, Corriveau met with Overton and Human Resources Director Richard Martonchik. Information about their interviews and their written statements are deleted from the police report.

The detective talked to Schuette at the state police Lansing post on Feb. 27. Details of this also are redacted.

A March 1 letter from Schuette's lawyer, Jim Fett, is quoted in the report.

"I understand that you interviewed (Schuette)... I further understand that you began inquiring on topics that can only be related to his civil litigation. Accordingly, he will not be answering any further questions regarding the lawsuit or what his demands are with regard to the county and Sheriff Rand," Fett wrote to Corriveau.



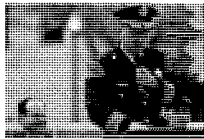
County, sheriff deny wrongdoing, say suing lieutenant has 'unclean hands'

In an answers to Schuette's lawsuit, both the sheriff and county accuse Schuette of attempted extortion. County officials allege Schuette told Overton and Martonchik he wanted three years of salary as though he were in a deferred retirement option plan program, the county to fund three years of additional service for his pension and the county to terminate Rand, an elected official.



Fett has called extortion a wild claim. He said there would be no basis for criminal charges. "I've seen this many times over, where, instead of taking responsibility for their actions, the person, the aggrieved person is all of a sudden a bad guy. It is just a way of shifting responsibility for what went on."

Fett said Schuette did not use the tapes to get what he wanted. "Rather he released them so people would believe him, and people could verify the horrendous things that that sheriff said."



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

In mid-February Fett provided hours of recordings to MLive. The sheriff is heard making offensive comments, mostly about women. He calls Chief Circuit Judge Susan Jordan a "scatter-brained c---" and discusses the creation of a pornographic murder film involving a female court employee.

Rand had admitted his voice is on the tapes and repeatedly apologized.

'Please try to accept my apology,' sheriff says in first on-camera interview

When Schuette went to the state police about the alleged financial improprieties, he "also made allegations against the Jackson County sheriff reference racial and sexual bias," according to the state police report.

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Public forum held regarding Jackson County Sheriff's allegations



Forum on Sheriff's offensive comments



Public Forum On Sheriff Allegations



By Carla Bayron | Posted: Thu 5:45 AM, Apr 19, 2018 | Updated: Thu 9:21 PM, Apr 19, 2018

JACKSON, MI (WILX) -- People in Jackson had their chance to tell the city their thoughts about the ongoing controversy surrounding the County Sheriff.

The city of Jackson's Human Relations Commission hosted a forum Thursday night at the King Community Center on Adrian Street in Jackson.

The city welcomed everyone to come voice their feelings and concerns regarding Jackson County Sheriff Steve Rand.

A federal lawsuit filed by one of his lieutenants accuses Rand of being a multi-faceted bigot who was caught on audio recordings making racist, sexist and homophobic comments.

The Jackson Human Relations Commission along with Jackson's Mayor, the city council and Board of County Commissioners have all called for Rand's resignation.

City and county officials are also expected to attend the meeting.

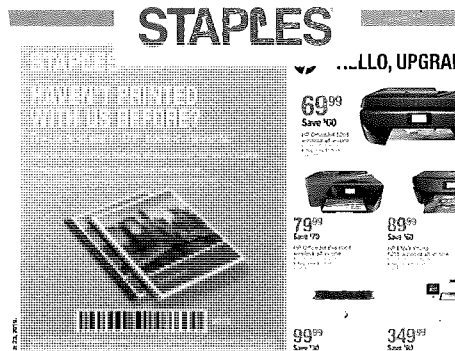
Rand has since apologized for the comments. The county's request to have Gov. Rick Snyder remove him is being



reviewed by the state Attorney General's office. Since he has said he will not resign -- Sheriff Rand can only be removed by the Governor or by a recall election.




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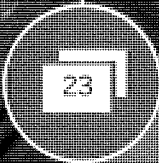
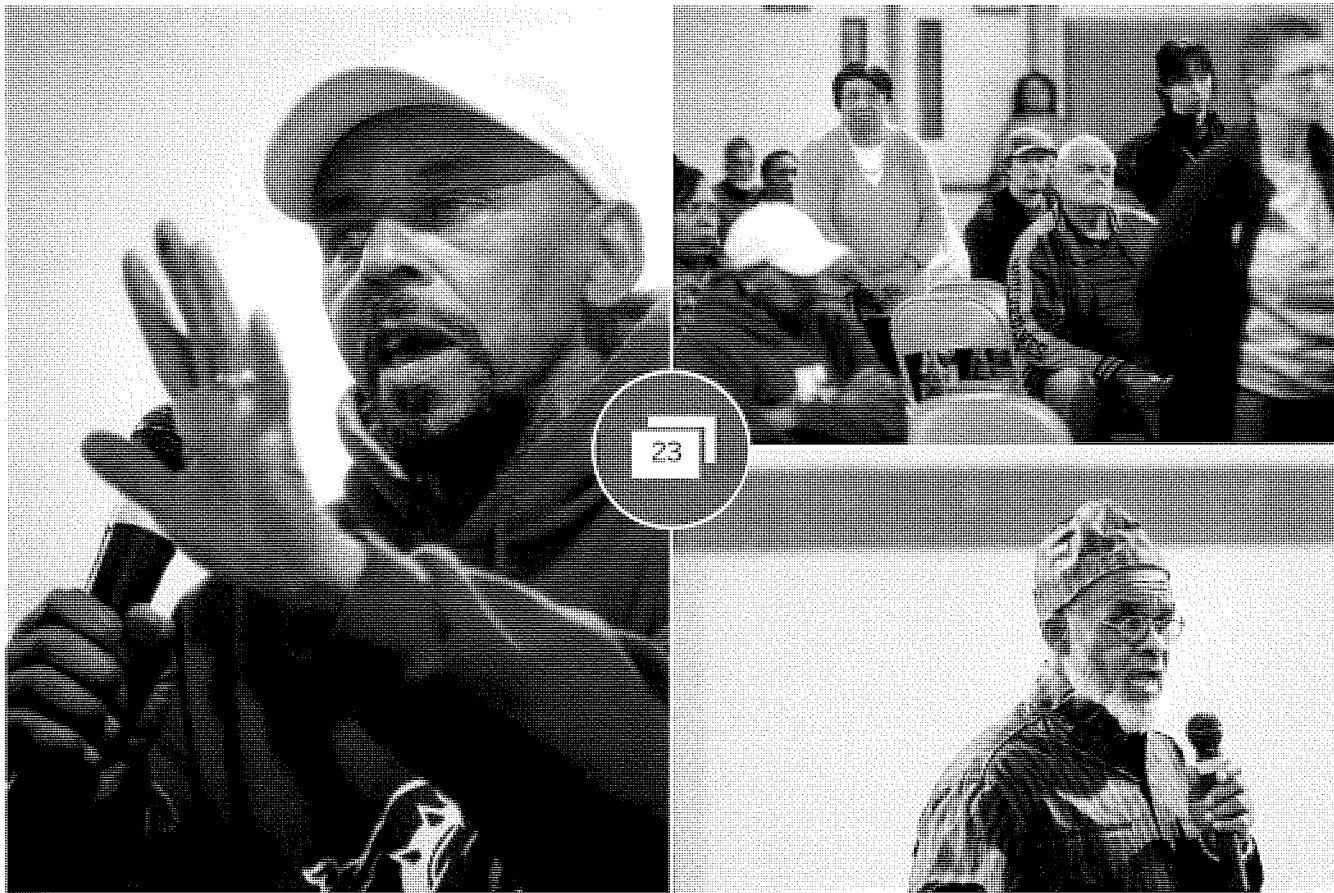
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JACKSON

Father, friend speak in defense of lieutenant who made sheriff complaint

Posted Apr 20, 2018



Gallery: Community members speak out regarding allegations against Sheriff Steven Rand

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By [Danielle Salisbury](#) | Danielle_Salisbury@mlive.com

JACKSON, MI - HIS son wanted to make it right and he went, devastated, into a meeting with county officials.

"But the administrator and the human resources person did what? Threw him under the bus," Dean Schuette Sr. said of his son, Tommy.

"He ran to Judas."

Dean Schuette Sr. on Thursday stood before a crowd gathered at a forum organized by the Jackson Human Relations Commission and defended his son, who filed a lawsuit in February against Jackson County and Sheriff Steven Rand.

A month earlier, Tommy Schuette had taken damning recordings of Rand making offensive comments to Administrator Michael Overton and Human Resources Director Richard Martonchik. He says he explained his and others' concerns and struggles.



It is unclear what, if any action they took, and Overton, the sheriff and the county have since accused Tommy Schuette of attempted extortion, contending he offered to keep the tapes from public view in exchange for an enhanced pension benefit.



Police investigated potential extortion stemming from inquiry into sheriff

This upsets Dean Schuette Sr., even more than the bullying he said his son long endured working for the sheriff.

"That was just so fabricated. How could you say that? When someone comes to you for help," he said after the Thursday, April 19 forum, which he attended with family. A close friend of Tommy Schuette, Kevin Sturgill, sat behind him.

"I am here now to show my public disgust for the smear campaign the sheriff and Mike Overton are throwing at Tommy," Sturgill said.

Residents almost unanimous in denouncing sheriff at Jackson forum

The elder Schuette, a 30-year Jackson police officer, told the crowd his son loved his job and would do anything to be an officer. He even stole his father's uniform.

"He is your friend," he said. "Tommy is going to be your friend. Once you meet him, he has no enemies. He has friends."



Rand was his friend once too, his father said.

The sheriff started a "systematic program" of bullying Tommy Schuette, diagnosed with prolific hearing loss, long ago, long before Schuette went on a health-related leave in October, Dean Schuette Sr. said.

"This is what he continues to do, is bully," said Dean Schuette Sr., who worked with Rand's father, uncle and grandfather.

His son came to him, talked to him. It has been tough to see all he has endured. "To have the courage to do it. I don't know if I would have."

Dean Schuette Sr. said his son delivered his concerns to county officials earnestly with consideration, and left no less devastated.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

Others in the crowd, overwhelmingly opposed to the sheriff, sympathized. A few stopped to shake Dean Schuette Sr.'s hand. "I want to applaud him for coming forward," Jackson resident Marla Gilpin said of Tommy Schuette.

"Victim shaming is yet another lower form of abuse, something Rand has shown he exceeds at," said Kim Cwynar, involved with a Jackson group of activists.

Another activist, Chris Moore of Jackson, questioned: "Aren't there laws to protect whistleblowers?"

"Tell him to keep up the fight," Jackson Mayor Derek Dobies said as the family left the Martin Luther King Jr. Center.



The ordeal tore at his friend, said Sturgill, standing at a lectern at the front of the gym.

"Having a meeting with the county administrator and the HR director was an effort to handle this properly," he said. "Because there was nowhere else to turn."

With corporate experience, Sturgill said he advised Tommy Schuette to do it.

"I thought I was giving him good advice," he said. "Boy was I wrong."

Tommy Schuette, leader of a multi-department tactical team, put in "thankless hours doing a thankless job, all the while doing it the right way, with a clean record and a lot of respect from people in the community," Sturgill said. He took action, not selfishly, but for the people of his department and for the county, Sturgill said.

"And what did he get trying to do the right thing? Lies and deceit."

Overton, too, should be held accountable, he said.

The administrator has declined to comment in any great detail on the meeting with Tommy Schuette or any events after it because of an open Michigan State Police investigation, now under review at the attorney general's office. The county has denied wrongdoing.

"To Sheriff Rand, your attempted counter attack at Tommy shows just how desperate and pathetic you are and shows the community even more just how terrible as a supposed leader you continue to be," Sturgill said.



Jackson sheriff accused of taking money from jail account to buy \$32,000 SUV



"I had to do the ethical and the morally right thing," lieutenant says

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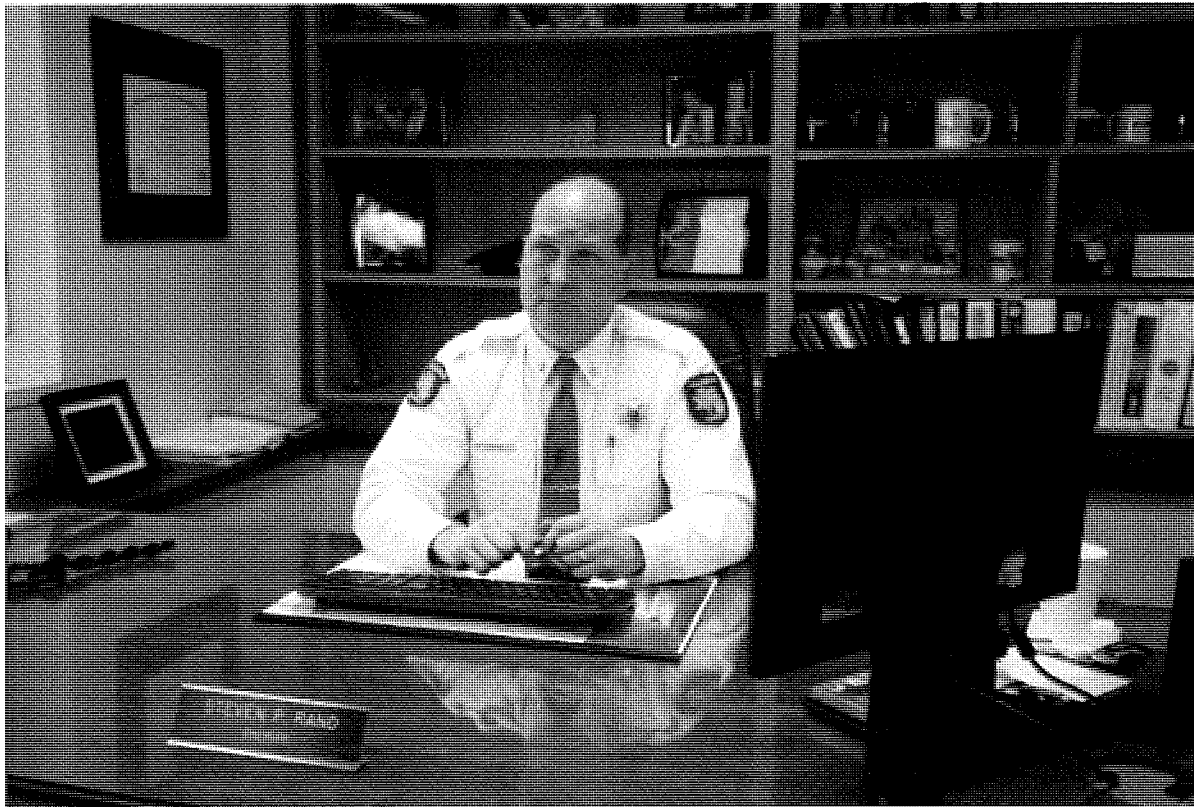
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JACKSON

County may eliminate sheriff's benefits if he doesn't resign by May 1

Posted Apr 27, 2018



Jackson County Sheriff Steven Rand speaks with reporters in February about allegations levied against him by sheriff's Lt. Tommy Schuette. (File photo by J. Scott Park)

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By [Danielle Salisbury](#) | Danielle_Salisbury@mlive.com

JACKSON, MI - If Jackson County Sheriff Steven Rand does not resign by Tuesday, the Jackson County Board of Commissioners will vote on a motion to take away his health care coverage, take-home county vehicle, and other fringe benefits.

The board, which has already called for the sheriff to step down from his elected position, is trying to send a clear message, Chairman James "Steve" Shotwell Jr. said Friday. "We would like the sheriff to have a separation from the county, so we can begin the healing process."

If Rand remains in office when the study session begins at 8 a.m. May 1, the board could decide to withdraw his county-provided medical, retiree medical, life and disability insurance; authority to use the county-owned vehicle for personal use; and other benefits including "longevity, paid leave, payoff of accrued leave etc." according to a proposed resolution.

State law prohibits the county from reducing or eliminating Rand's salary. The county's legal counsel determined the board could eliminate benefits, Shotwell said.

Governor should remove sheriff if he doesn't resign, Jackson County board decides

Rand did not respond to messages seeking comment on Friday afternoon.

Shotwell said he talked to Rand in early April about the possibility of stripping benefits and Rand was alerted verbally in mid-April about the board's intention to move forward with the resolution.

An employee of the sheriff's office since 1993, Rand was not eligible for retirement until Aug. 4, but purchased in early March five months of "Universal Service Credit" for \$15,963. This means he could have retired effective March 4, according to minutes from the March

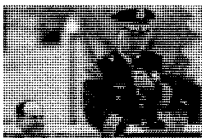
22 meeting of the Jackson County Employees' Retirement System Board of Trustees, which approved the sheriff's application to purchase the service.

Still, for months, Rand has not answered calls for his resignation. The county board unanimously voted Feb. 20 to ask the governor to remove Rand from office if he did not voluntarily relinquish his position. The attorney general's office is now reviewing the request, submitted by Shotwell in February.

"We're not waiting for the state to take action," Shotwell said. "The board of commissioners believes Sheriff Steve Rand cannot lead right now because of what's occurred. We would like him to separate and we're doing everything we can to motivate him to separate."

Shotwell called Rand "damaged goods."

The February vote came seven days after Jim Fett, an attorney representing sheriff's Lt. Tommy Schuette, released audio recordings of the sheriff making offensive comments. Rand laughed about creating a pornographic film of a murder starring a female court employee and demanded a physical description of a female job candidate. He called a sitting judge a "scatter-brained c---."

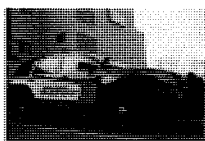


Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

Board members cannot fire Rand. Because he is elected, only an order from the governor or a successful recall election would force the sheriff from office.

In the short term, Rand could lose the use of a 2017 Ford Explorer, purchased by the county in 2017 for \$30,359, plus \$1,952 in "trim level or options." He and other commanders, on

call 24 hours, have vehicles they drive to and from work so they are available to respond to major incidents or emergencies.



Purchase of sheriff's vehicle called into question at county meeting

If he does resign, Undersheriff Chris Kuhl would become the interim leader of the sheriff's office, Shotwell said. The county prosecutor and clerk and a judge would be responsible for naming his successor.

Rand himself was appointed by such a panel in 2011. The Republican was then elected in 2012 and 2016. His current term expires in 2020.

Rand has been under fire, criticized by various individuals and community groups, since Schuette filed a federal lawsuit on Feb. 12. He alleges Rand created a hostile work environment, harassing him for his disability, and the county retaliated against Schuette for opposing and reporting Rand's conduct. The lawsuit calls Rand a "multifaceted bigot" whose slurs have targeted blacks, overweight people, women and others.



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

The county has denied wrongdoing and County Administrator/Controller Mike Overton made a complaint to the Michigan State Police, alleging Schuette attempted to extort the

county by offering to keep the recordings from the public in exchange for an enhanced pension benefit - an allegation Fett has called "ludicrous."



'I deeply embarrassed myself, my department, my family,' sheriff says

Rand, declining to address any specific contentions, has admitted his voice is on the tapes and apologized for his statements.

He would undergo training, he said, and repair relationships. "I am not a person that likes leaving messes for other people to clean up," Rand said in February. "And I intend to resolve this issue."

Reporter Taylor DesOrmeau contributed to this story.



County, sheriff deny wrongdoing, say suing lieutenant has 'unclean hands'



Jackson sheriff accused of taking money from jail account to buy \$32,000 SUV



Community leaders react to vulgar comments, allegations against Jackson sheriff



Jackson County board votes to strip sheriff of benefits

By [MICHIGAN RADIO NEWSROOM \(/PEOPLE/MICHIGAN-RADIO-NEWSROOM\)](#) • MAY 1, 2018



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Jackson County's sheriff is losing his job benefits by unanimous vote of the County Board of Commissioners.

That's because he did not resign by a May 1 deadline set by the Board (<http://michiganradio.org/post/jackson-officials-ask-snyder-remove-sheriff-office>) because of offensive comments he made about women and minorities.

"We have publicly and officially condemned the conduct of the sheriff and do not believe that it is in Jackson County's best interest for him to remain," said Board Chairman James Shotwell.

(http://mediad.publicbroadcasting.net/p/michigan/files/styles/x_large/public/201805/steven_rand.jpg).

Steven Rand

CREDIT JACKSON COUNTY SHERIFF / [HTTPS://WWW.CO.JACKSON.MI.US](https://www.co.jackson.mi.us)

Shotwell says only the governor has the authority

to remove Steven Rand from office after an investigation.

Or he could be removed by voter recall.

A lieutenant in the Jackson Co. Sheriff's Department has federal lawsuit (http://mediad.publicbroadcasting.net/p/michigan/files/1-Complaint.pdf?_ga=2.86170968.1753540531.1525112359-1529175424.1506458374) filed against the sheriff and the county, alleging that Rand made insulting remarks against blacks, women and Hispanics and mocked Schuette for his work-related hearing loss. The lawsuit says the county failed to act when Schuette reported Rand's behavior, and isn't giving him proper disability coverage.

TAGS: [JACKSON COUNTY \(/TERM/JACKSON-COUNTY\)](#)





JACKSON

Embattled sheriff losing vehicle, nearly \$11,000 a year in benefits

Posted May 1, 2018



Jackson County Sheriff Steven Rand listens to the resolution asking for his resignation by the Jackson County Board of Commissioners on Tuesday, Feb. 20, 2018. (Claire Abendroth | Mlive.com) (Claire Abendroth)



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By Taylor DesOrmeau | tdesormeau@mlive.com

https://www.mlive.com/news/jackson/2018/05/accused_sheriff_to_lose_vehicle.html

JACKSON, MI - Threatening to eliminate Sheriff Steven Rand's benefits wasn't a bluff.

Rand is losing his county-owned vehicle and \$10,677 worth of benefits, as approved unanimously by the Jackson County Board of Commissioners in a study session on Tuesday, May 1.

The county had vowed to take away Rand's benefits if he didn't resign by May 1. Rand didn't respond to the county's request, commissioners said.

Rand is accused in a federal lawsuit of being a "multi-faceted bigot," with derogatory speech about women, blacks, the LGBT community and other groups.

The changes in Rand's benefits are effective immediately.

"I believe that while Sheriff Rand very well should be forgiven for the actions he's taken, at this time I do not believe he can lead," Board Chairman James "Steve" Shotwell Jr. said. "And that's the issue that we're having. This is utilizing all the tools the board of commissioners has."

Governor should remove sheriff if he doesn't resign, Jackson County board decides

Rand loses benefits he was receiving, such as health care, access to his county-owned vehicle and basic life insurance and disability.

"We'd like a separation between the county and Sheriff Rand," Shotwell said. "We believe for the healing process to begin and for us to really begin solving the issues within the sheriff's department; the only way to do it is with him retired."

Rand wasn't present at Tuesday's study session and did not respond to requests for comment. Undersheriff Chris Kuhl left the meeting prior to this item coming up on the agenda.

Rand faces a number of allegations in the lawsuit filed by sheriff's Lt. Tommy Schuette. Audio recordings illustrate Rand's comments at work, including calling a county judge a "scatter-brained c---."

Other allegations include the sheriff calling a former deputy a "dumb n-----" and referred to black suspects in a case as "f----- monkeys."



Recordings show pattern of crude, degrading comments about women by sheriff and commanders

Schuette contends in the lawsuit that Rand mocked him for his hearing loss. In addition, Rand is alleged to have discharged his gun in his office Aug. 8, but no report was filed regarding the incident.

Rand, an elected official, cannot be fired by anyone but the governor - per state law. The attorney general's office is reviewing Jackson County's request to have Rand removed and will make a recommendation to Gov. Rick Snyder once finished. Shotwell has been in conversation with the AG's office and said things like this take time.



Sheriff vehicle purchases approved by county after assuring checks and balances



What's being taken away?

Here's a breakdown of what was taken away from Rand, including the employee and county contribution.

- Medical insurance: Rand paid \$4,529 per year, the county paid \$8,071 per year.
- Basic life insurance: The county paid \$135 per year.
- Short-term disability: Rand paid \$83 per year, the county paid \$78 per year.
- Long-term disability: The county paid \$2,393 per year.
- 2017 Ford Interceptor: The county paid \$32,311 last year for the vehicle.



Jackson sheriff accused of taking money from jail account to buy \$32,000 SUV

The health insurance benefits are the only penalty that carry over into retirement, County Administrator/Controller Mike Overton said.

Rand had a 30-day notice before the potential action, Shotwell said. He has not talked to Overton or Shotwell about this since mid-April.

"This resolution didn't come out of left field. He had prior knowledge," Commissioner Jonathan Williams said. "The objective certainly is to apply some pressure to Steve to put it in his hands to consider his actions."

Taking away benefits was discussed by the county board months ago, Shotwell said. Attorneys researched what the county could legally do in this situation, leading to the current package of cuts, he said.

A similar strategy was used in the past, Shotwell said, when the county was negotiating for retirements with the full-time road commission.

Rand purchased five months toward his retirement in March for nearly \$16,000, meaning he was eligible for full retirement as early as March 4. His annual salary is \$107,193, after receiving a 22-percent raise in January 2017.



Jackson County sheriff received 22 percent pay increase in 2017

Rand's term ends in 2020.

"We're going to continue to work with the undersheriff and the department and follow through," Shotwell said. "And hopefully our deputies will feel the support of the county board of commissioners. It's not them that we're upset with."

[For a full list of stories on the Sheriff Rand allegations, click here.](#)

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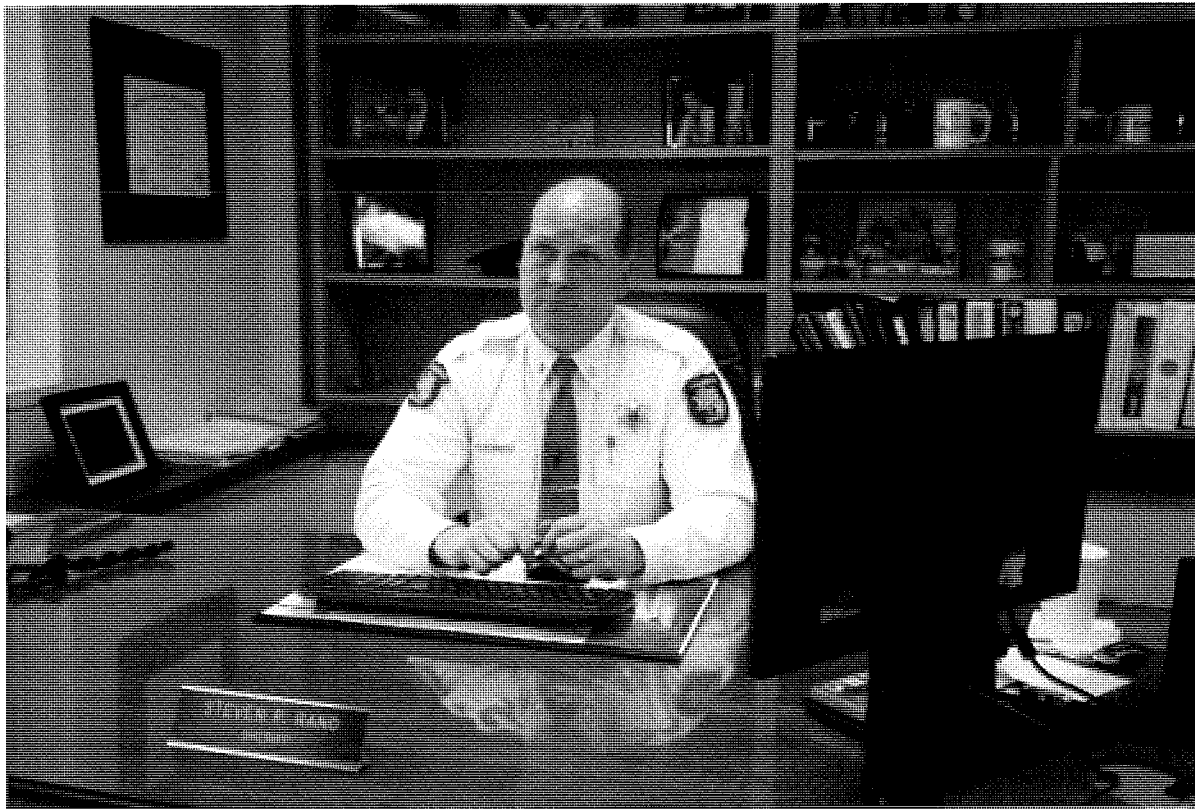
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JACKSON

New suit alleges Jackson sheriff's office was incubator for racism, bigotry

Posted Jul 25, 2018



Jackson County Sheriff Steven Rand speaks with reporters in February about allegations levied against him by sheriff's Lt. Tommy Schuette. (File photo by J. Scott Park)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - A new federal lawsuit filed last week by a black, former deputy alleges Jackson County Sheriff Steven Rand's office was an "incubator for egregious racism and bigotry."

Lino Johnson, hired in February 2015 and believed to be the county's first black road patrol officer, alleges he received unequal treatment and under threat of imminent termination, resigned in May 2017.

Johnson, who has a master's degree, contends he was passed over for specialized trainings, promotions and special position assignments in favor of white officers, and was subjected to "disparate scrutiny, investigation and disciplinary practices," states the lawsuit, filed July 18 in U.S. District Court.

"Sheriff Rand is a bigot, with a known animus against, amongst others, African-Americans," the document says.

Rand has on multiple occasions referred to blacks by "vile racial slurs," including "f----- monkeys," "f-----" and "n-----," the lawsuit alleges.

In it, Johnson and his lawyers argue he was the victim of racial discrimination and for his opposition and complaints, the county and the sheriff retaliated against him.

When approached Wednesday morning, Rand declined to comment. He has in the past said he does not harbor any bigotry. His actions demonstrate this, he then told a reporter.

"I can't speak about an active lawsuit," Jackson County Administrator/Controller Michael Overton wrote in an email.

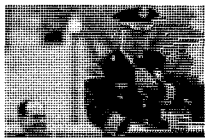
Rand already is the subject of a well-publicized lawsuit filed in February by sheriff's Lt. Tommy Schuette, and this moved Johnson to action, his lawyer said



JACKSON SHERIFF IS MULTIFACETED BIGOT TARGETING WOMEN, BLACKS, THE DISABLED, LAWSUIT STATES

Schuette contends Rand created a hostile work environment, harassing Schuette for his hearing disability, and the county retaliated against Schuette for reporting and opposing Rand's conduct.

The fallout, including the release of secretly captured audio recordings, prompted county commissioners and other leaders to call for Rand's resignation. Rand, however, remains in his position and a request to remove him from office, sent to Gov. Rick Snyder, has been under review for five months at the Michigan Attorney General's Office.

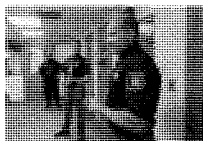


Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

In the still-pending lawsuit, Schuette alleges Rand referred to a former black deputy as a "dumb n----" and remarked of blacks and a black deputy under internal investigation: "We should step on their necks like we used to."

Johnson's suit, separate from Schuette's, repeats these allegations. He is believed to be the referenced deputy, it states. While he was there, he was the only African American road patrol deputy, according to his lawsuit.

These are comments are not contained in the recordings released in February to MLive and the Jackson Citizen Patriot, and in his answer to Schuette's lawsuit, Rand neither admitted nor denied making them.



'I deeply embarrassed myself, my department, my family,' sheriff says

Once made public, the recorded and alleged remarks, spoken in what Rand thought were private conversations with other "white members" of the sheriff's office, validated some of Johnson's concerns, said one of his attorneys, Kathryn Bruner James, based in Detroit.

They drove home what he suspected and felt was racial retaliation, she said.

"The priority that he has described to me is basically, he doesn't want this to happen to someone else," she said.

"He felt like he was targeted while he was there. He felt like no one believed him when he expressed those concerns."

Johnson had complained to superiors that he was not being treated fairly and in the spring of 2017, the office internally investigated him for off-duty misconduct at a local bar, the lawsuit states.

A waitress alleged an inappropriate interaction and reported this to the sheriff's office, James said. The waitress said Johnson made a comment about her breasts and touched her, possibly near her under-arm. "And that simply did not happen," James said.

The sheriff's office refused to accept any of the materials Johnson provided to demonstrate his blamelessness, and it was clear there was no interest in anything that would exonerate him, only that which would force him out of his job, she said.

A low-quality video with audio did not corroborate the contention, an alleged falsehood made when some did not take kindly to Johnson, a law enforcement officer, and his cousins

being the lone African Americans in the bar, she said.

According to the lawsuit, the internal inquiry expanded to include allegations of minor wrongdoing occurring months earlier. Johnson had received a speeding citation and was investigated about a year before his departure for radioing for city police to handle what James said was a traffic matter within the city limits.

She said deputies were instructed, because the city has its own force, to limit their actions within Jackson. His superiors, she said, inflated the danger or urgency of the matter.

The internal inquiry further addressed practices that, when they involved white officers, were not problematic, such the use of personal cell phones to photograph accident or assault injuries, the lawsuit states and James said. The department cameras were often without charged batteries, James said.

"(Johnson) knew from the context and information that he received that he was about to be terminated," the lawsuit states, and he resigned.

He was disciplined and faced termination for allegedly engaging in behavior that for white employees brought about only verbal or written warnings, contends the lawsuit, which asks for more than \$75,000, excluding costs, interest and attorney fees.

In one of the recordings, Schuette relays to Rand and others a conversation he had with Johnson after his departure. Schuette indicates he had fielded a question about "race issues" from Johnson's possible future employer.

"If I were you, Tommy, I would not converse with him at all," Rand says.

"You need to just say 'Lino, look, this is between you and all your perspective employers, leave me out of it'... because you are going to get sucked into a f----- litigation, if you aren't already."



Rand adds: "I thought you gingers stuck together with the blacks."

Johnson, who has a bachelor's degree in criminal justice and a master's degree in public administration, has been an officer in a different sheriff's office since late 2017, his lawyer said. He lives in Kent County in West Michigan, according to the lawsuit.

Because of Rand and the county's conduct, there was an interruption in his law enforcement career and he suffered financial loss, embarrassment, stress and frustration, the lawsuit states.



County, sheriff deny wrongdoing, say suing lieutenant has 'unclean hands'



Recordings show pattern of crude, degrading comments about women by sheriff and commanders

For a listing of stories on Schuette's lawsuit and Rand, [click here](#).

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Jackson leaders frustrated as Sheriff Rand investigation lingers

Posted Jul 31, 2018



Jackson leaders express frustration as Sheriff Rand case lingers

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - Jackson County Sheriff Steven Rand's own words dispel any doubt about his fitness for office, some Jackson leaders say.

Anyone who has heard publicly released recordings of Rand making a series of crude and offensive comments, detailing desired sexual encounters and degrading female employees,



cannot possibly suggest he ought to retain his position, they say.

"There (are) hours of tape. The sheriff admits he is on the tapes. How difficult is it to make a judgement call on the horrendous things he said?" questioned Eric White, a prominent Jackson attorney and former police officer.

"If that is his voice, I don't know how you could possibly have a valid explanation for why you want to essentially rape a woman and kill her as you orgasm. How can you explain that that's being funny or clever or in good fun? That is pretty twisted. That is really twisted."



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

Yet, more than five months after the county board of commissioners asked Gov. Rick Snyder to remove Rand from office, there is no indication he will make a decision soon.

Snyder, who can legally act unilaterally, asked state Attorney General Bill Schuette's office to review the request. Schuette's representatives will say only that the investigation is ongoing.



Attorney general's office begins review into sheriff, at request of governor's office

Some say the reason for the delay is obvious: politics.



Snyder, Schuette and Rand are all Republicans, the sheriff is a top official in a consistently red county and Schuette is running for governor, looking to clinch a nomination in the Aug. 7 primary election.

It's in Schuette's best interest to sit on the Rand investigation, some suggest.

"I think you're kind of damned if you do, damned if you don't," said Jonathan Williams, a Jackson County commissioner and 22-year political science professor. "If you don't take it up, everybody says it's just the politics. If you do take it up, then who are you going to be alienating?"

The Rand scandal emerged in February when Lt. Tommy Schuette (no relation to the attorney general) filed a federal lawsuit, contending Rand is a "multifaceted bigot," who created a hostile work environment.



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

In conjunction, his attorney James Fett, released the recordings, which reveal the sheriff called one female court employee a "f----- c---" and described his desire to film a murderous sex act with another.

In the days following, the county Board of Commissioners, the Jackson City Council, the Jackson County Chamber of Commerce and the local branch of the NAACP called for Rand's resignation. The county commission also formally asked the governor to remove Rand from office.



On July 18, a former deputy, Lino Johnson, filed a second lawsuit, contending he faced racial discrimination as the county's first and lone black road patrol officer.

Requests for an interview with Rand for this story went unanswered. He has repeatedly refused to speak to an MLive/Jackson Citizen Patriot reporter.

'Please try to accept my apology,' sheriff says in first on-camera interview

Some politicians, including state Sen. Mike Shirkey and county Prosecutor Jerry Jarzynka, condemned Rand's statements but stopped short of saying Rand should abandon - or be ousted - from his post.

There is also quiet support for Rand, one source said. There are people close to him who remain loyal.

It is possible his supporters hope to ride out the scandal.

Lee Hampton, a Jackson pastor and chief diversity officer at Jackson College, said he has seen waiting used as a political tactic to calm fervor when leaders wish to avoid making a decision that might not appease the public.

Table a matter and with time, the outcry quiets. What might have begun with many loud voices ends with a few, he said.

White said Schuette, Snyder and other Republicans will almost certainly put politics before the people. "To be a party politician with success, you have to be more loyal to the party than anything else."

Representatives of the governor and the attorney general have denied their lack of action has anything to do with the election.

Anna Heaton, Snyder's press secretary, said the two offices remain in contact, and the attorney general is determining what, if any, provision of state law Rand's alleged actions violated. The governor prefers the process to be "thorough and considerate," she said.

Involving the attorney general, however, is not dictated by state law, which mandates only that the governor verify a written affidavit submitted by the petitioning party and give the elected official a chance to be heard.

Ari Adler, the governor's director of communications, wrote in an email: "Just because the statute doesn't require this doesn't mean it is not allowed. We often consult with our attorneys at the Department of the Attorney General before making decisions. Gov. Snyder would consider doing so especially important for something as serious as removing a duly elected local official from office."

Fett disagreed, saying, "This is just a way of kicking the can down the road. (Snyder) could have acted right then and there. I am disappointed that he didn't."

Residents almost unanimous in denouncing sheriff at Jackson forum

In the interim, Jackson County remains in limbo.

Some, citing an irreparable erosion of trust, refuse to work with the sheriff. Some now doubt the actions of deputies supervised by a sheriff who called a sitting judge a "scatter-brained c---."

One community leader who asked to remain anonymous noted Rand does not attend meetings as frequently as he once did.

"When the entire mission of the event or meeting is community trust between law enforcement and residents, businesses, whoever it may be, there's just this undercurrent -



It's awkward, it's tense and it makes it really hard to move anything forward."

Arlene Robinson, president of the local chapter of the NAACP and a Jackson city councilwoman, said the black community does not have faith in deputies in action.

"We don't feel comfortable. I know I don't. Because I don't know how many of them were in the room or how many feel the same way as the statements that were made by the sheriff."

Rand's refusal to resign hurts the community, said one retired Michigan law enforcement official who also asked to remain anonymous for fear of retribution.

"He's already lost the trust, lost the respect of the people. And he's continuing to tarnish the reputation of the organization," he said. "The impact extends to every other police agency in the Jackson area."

It is detrimental, too, to Jackson's image, Jackson Mayor Derek Dobies said.

"It is incredibly frustrating and disappointing that we're sitting here five months later continuing to talk about a black eye that won't go away, that we have to wear around with us for the foreseeable future."

There could be a recall, but as of Friday, no petitions had been filed, according to a Michigan Department of State spokeswoman.

Putting Rand's name on a ballot would be an undertaking, requiring the collection of more than 13,000 signatures from registered county voters.

"I think that if a group of people got together and got organized to do a recall, it might gain ground in a real hurry," said James "Steve" Shotwell Jr., county board chairman.

A lot of people are shocked the situation hasn't been resolved, the anonymous community leader said. A mention of Rand's name or position solicits surprise, she said. "What? He's still in office? We haven't done anything about this?"

Jackson City Councilman Freddie Dancy said many do not believe in the system to "right this wrong."

"They don't believe anything's really going to happen."

For a listing of stories on Tommy Schuette's lawsuit and the sheriff, [click here](#).

Reporter Taylor DesOrmeau and Lead Reporter Leanne Smith contributed to this story.



County, sheriff deny wrongdoing, say suing lieutenant has 'unclean hands'



Recordings show pattern of crude, degrading comments about women by sheriff and commanders



Embattled sheriff losing vehicle, nearly \$11,000 a year in benefits



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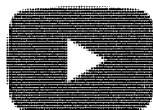
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Jackson sheriff's comments offensive, disturbing and wrong, Bill Schuette says

Posted Jul 31, 2018

Attorney General Bill Schuette talks about Jackson County Sheriff Ste...



Attorney General Bill Schuette talks about Jackson County Sheriff Steven Rand

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By Danielle Salisbury | Danielle_Salisbury@mlive.com



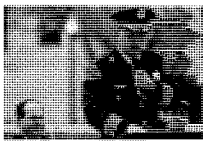
JACKSON, MI - Jackson County Sheriff Steven Rand's recorded comments are offensive, disturbing and wrong, Michigan Attorney General Bill Schuette said Tuesday.

"Everybody who holds public office, particularly in law enforcement, there is a standard of performance, a standard of conduct. When you fail to meet that standard of conduct, you

nave to examine now you do itte," Schuette said July 31 during a campaign stop in Jackson.

The Republican candidate for governor met Jackson County party legislators and leaders at Grand River Brewery, 117 W Louis Glick Highway, while on an ambitious state tour in the run-up to the Aug. 7 primary election.

Schuette's office has been reviewing for five months a request from county commissioners to remove Rand from his position.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

Rand was recorded making crude, obscene comments during command staff and other at-work meetings. One of his lieutenants, Tommy Schuette, filed a lawsuit alleging Rand is a multifaceted bigot and his attorney, Jim Fett, released the tapes. Maybe most shockingly, they reveal Rand describing his desire to film a pornographic murder involving a court employee.

Fett and Tommy Schuette also brought to light evidence Rand fired a weapon in his office, in front of his secretary, and did not report it or mandate its documentation. His undersheriff, when confronted, said he verbally disciplined his boss.

Gov. Rick Snyder asked Schuette in February to issue an opinion on whether the sheriff's behavior should cost him his position.

Bill Schuette on Tuesday, when questioned by a reporter, said his office had received new information in the inquiry.



He declined to go into details and said his staff will provide Snyder with a full, complete review. He would not say whether the conduct or statements justified removal. The statute, he said, is quite specific. It requires a finding of official misconduct or willful neglect of duty.

Schuette did not provide a timeline. "I understand," he said when asked to respond to local frustration with the perceived delay. He repeated that the sheriff's comments were wrong and offensive.

"That runs contrary to everything I feel, in terms of my journey in public service," he said.

Michigan Democratic Party Chair Brandon Dillon, prompted by stories published Tuesday morning about the inaction of the governor and attorney general, released a statement: "Bill Schuette is a shameless politician, who would rather protect himself, his political allies, and the special interests that support him than do his job and stand up to disgusting misconduct from a Republican officeholder..."

Jackson leaders frustrated as Sheriff Rand investigation lingers

Some in Jackson also have suggested politics play a role, that Schuette would be unwilling to act against a fellow Republican while he is looking to secure the state's top job.

He denied this Tuesday, and noted his work in Flint, where he pursued various criminal convictions during the water crisis. There, the "political thing" would have been to do nothing, he said.

Bill Schuette in Jackson enjoyed a warm welcome from Republican supporters. About 30 people gathered in the brewery's banquet room.

The Jackson County Republican Party has not called for Rand to resign or be removed.



"There is a reason why the process is set up rather than doing it through public opinion," said Hank Choate, a Liberty Township farmer who has served as county Republican party chairman and now is on the executive board.

"I have confidence that the system is set up to work. Given the opportunity to work, I believe it will."

He said there is not a "single one of us" who defend what the sheriff said and did. "Somebody at that professional level should have known better," he said.

Former state Sen. Philip Hoffman said he expects Bill Schuette will make the right decision.

"I don't think it rises to the level of scrutiny from the governor or the attorney general," he said.

There are other cases of criminal wrongdoing that far exceed what the sheriff is alleged to have done, Hoffman said and used "public corruption in Wayne County" as an example.

He said he believes Rand intends to serve out his term, which concludes in 2020.

"I fully object to this trial in the court of public opinion because it is caustic and counter productive," Hoffman said.

"The courts were established to ensure justice and until the courts speak, he has to be considered able to serve until he is proven guilty."



Snyder, Schuette need to remove Sheriff Rand. Now.



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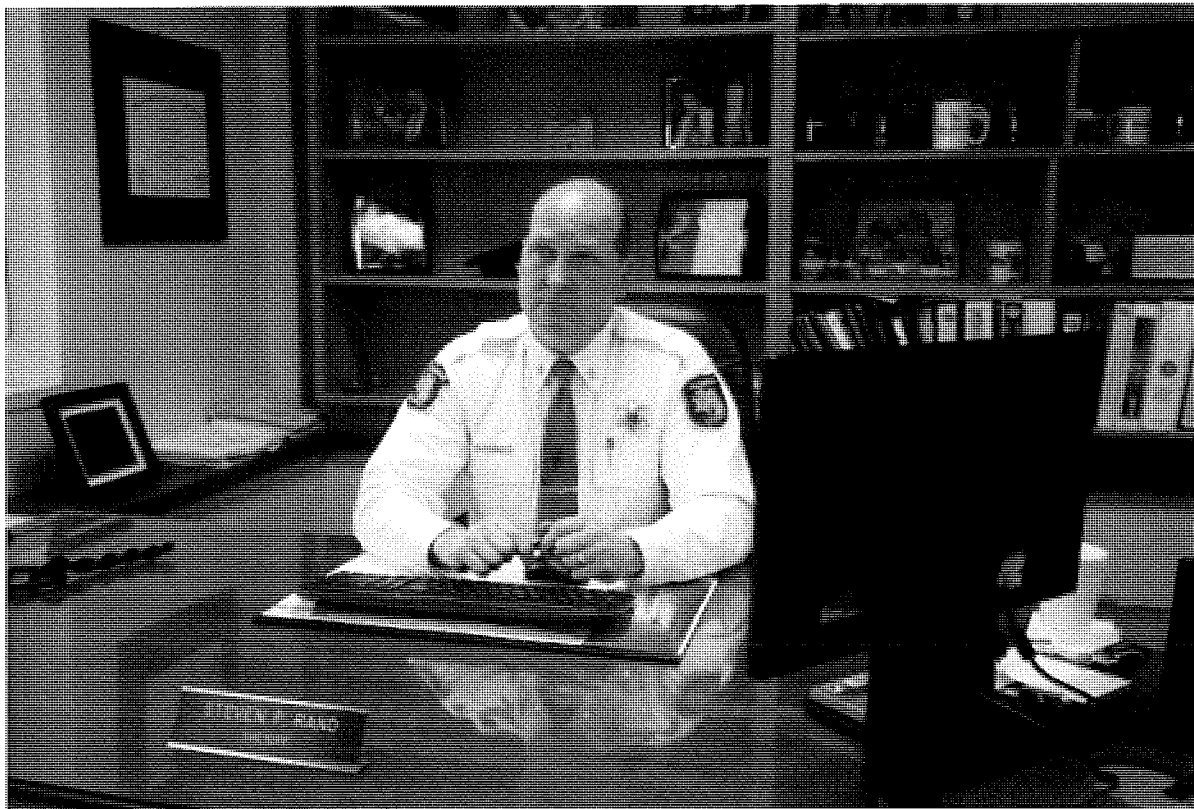
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Snyder, Schuette need to remove Sheriff Rand. Now.

Posted Jul 31, 2018



Jackson County Sheriff Steven Rand speaks with reporters in February about allegations levied against him by sheriff's Lt. Tommy Schuette. (File photo by J. Scott Park)

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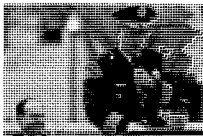
By MLive-Jackson Citizen Patriot Editorial Board

JACKSON, MI - Five months of inaction by Gov. Rick Snyder and Attorney General Bill Schuette has left Jackson County in a state of limbo, unable to heal or move forward in the

wake of the scandal surrounding county Sheriff Steven Rand.

In February, Rand was accused in a lawsuit of being a "multi-faceted" bigot, who regularly denigrates women, minorities and the LGBTQ community. Some of the allegations are supported in audio recordings, including one in which Rand describes a "snuff film" fantasy in which he shoots a female county employee in the back of the head while having sex with her.

City, county and community leaders were quick to call for Rand's resignation, arguing, appropriately so, that Rand's abhorrent behavior makes it impossible for him to serve as the county's top law enforcement official.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

Rand, unfortunately, refuses to resign. He isn't up for re-election until 2020 so voters can't have their say, short of a recall election. Realistically, no one in the general public is going to go after a top police official that way.

That places the onus on Snyder, who alone has the power to remove Rand for misconduct in office. The county board formally asked Snyder to take that step in February, and the governor, in turn, asked Schuette's office to investigate.

Since then, both Snyder and Schuette have been quiet on the issue.

Shamefully quiet.

Jackson leaders frustrated as Sheriff Rand investigation lingers

Repeated calls and emails to the governor's and attorney general's offices have been ignored or dismissed with: "The case remains under review."

Last week, a second lawsuit was filed against Rand and Jackson County. This time by a former, African American deputy who alleges Rand's office was an "incubator for egregious racism and bigotry."

Still, no action from Schuette or Snyder.

Jackson community leaders are frustrated, and so is the Citizen Patriot Editorial Board.

From our perspective, this is a clear case of misconduct in office. Consider these findings from an MLive investigation:

- * In the recordings, Rand repeatedly maligned women, referring to them as 'b-----,' and 'c---,' and making remarks about sexual acts he'd like to perform with them.
- * Rand has cultivated an environment in the sheriff's office where sexist behavior was not only OK, but celebrated and encouraged. Members of Rand's command staff can be heard on the audio laughing at his inappropriate comments, and often taking part.



Recordings show pattern of crude, degrading comments about women by sheriff and commanders



- * Rand accidentally discharged his weapon inside his office, and did not report the incident to anyone except Undersheriff Chris Kuhl, who told MLive that he investigated

the snooting and verbally counseled the sneriff (his boss) about gun safety. NO OFFICIAL police report was ever filed.



Sheriff discharged firearm in office, while secretary was nearby, document says

* He's now the target of two lawsuits that also name Jackson County as defendants and, by extension, its taxpayers.

Which begs the question: Why is Rand still in office?

We believe the delay is political. As the leading candidate for the gubernatorial nomination, Schuette's safest course is to sit on the Rand issue. Any decision he makes is likely to alienate a percentage of potential supporters. Schuette, Snyder and Rand are fellow Republicans.

But the safest choice is not always the right one. Effective leaders know this and have the courage to make the tough calls and stand by them.

It's time for Schuette to do the job he was elected to do as attorney general -- and that means completing the Rand investigation and forwarding his findings to the governor. It's up to Snyder to press for a resolution to the issue.

Even if they disagree with the Citizen Patriot Editorial Board and find Rand not guilty of misconduct in office, Schuette and Snyder need to move on this issue. Now.



A failure to do so is an injustice to the Jackson community.

-- *This is the opinion of the Jackson Citizen Patriot Editorial Board.*

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Police looking into further possible criminal actions of Jackson sheriff

Posted Aug 17, 2018



Jackson County Sheriff Steven Rand apologizes and talks in general terms about the situation involving him and a federal lawsuit from his office on Tuesday, Feb. 20, 2018. (J. Scott Park | MLive.com) (J. Scott Park)

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By Danielle Salisbury | Danielle_Salisbury@mlive.com

JACKSON, MI - At the request of the attorney general's office, Michigan State Police are looking into "additional items" related to Jackson County Sheriff Steven Rand.

The First District Special Investigation Section has been asked within the last two weeks to investigate "some actions by the sheriff that may be criminal in nature," Detective 1st Lt. Tom DeClercq said Friday, Aug. 17. He declined to provide further details.

Efforts on Friday to contact Rand were not successful. He has previously said he was confident the state police would not find evidence of criminal activity at the sheriff's office.

'Please try to accept my apology,' sheriff says in first on-camera interview

For months there has been an unresolved state police inquiry involving the sheriff, under public scrutiny since February, when an attorney for one of his lieutenants released secret recordings of the sheriff making crude, offensive comments during command staff or other work meetings.

DeClercq earlier said he took a police report to Attorney General Bill Schuette's office in March regarding an allegation of misappropriation of funds.

Schuette's office has not announced any decision and Rand has not been charged with any crime.

In late January, sheriff's Lt. Tommy Schuette, who is suing Rand and the county, made a complaint, alleging Rand used money from the county jail commissary fund to purchase a \$32,300 take-home, work SUV for Rand's use.

In May, the sheriff's office bought the 2017 Ford Explorer for \$30,359 plus \$1,952 in "trim level or options." The money came from the general fund, capital improvement budget designated for sheriff's vehicles, Undersheriff Chris Kuhl has said.



Police explored allegation of misappropriated funds at sheriff's office

In the state police report, there are commissary records from February 2017 to May 2017. At that time, the fund took in about \$99,000; about \$72,000 was spent and none of it appears to have been transferred to the general fund.



Jackson sheriff accused of taking money from jail account to buy \$32,000 SUV

When asked about the status of the criminal case and to confirm the state police were looking into additional information, a spokeswoman for the attorney general, Megan Hawthorne, wrote in an email: "As this is an ongoing review, we are not commenting on the information we or MSP have gathered."

She continued: "At the conclusion of our review, a letter will be sent to Gov. (Rick) Snyder, and he will be... responsible for any further action."

The attorney general also has been asked to issue an opinion on a request sent to the governor by Jackson County commissioners who wish to see Rand removed from office.

DeClercq said he has nothing to do with the attorney general's review of the removal request.

Hawthorne did not respond to follow-up questions about the criminal case.

Bill Schmitt commented in late July during a Jackson state justice hearing that he was

Bill Schuette, approached in late July during a Jackson stop during his campaign for governor, called Rand's recorded comments offensive, disturbing and wrong.

He would not, however, give any indication of whether Rand's statements or actions rose to the level of misconduct, justifying removal, or when his office might complete its review. He said the office had received new information.

The state statute addressing the governor's authority to oust elected officials requires a finding of official misconduct or willful neglect of duty.

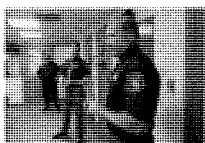
Some in Jackson and the Michigan Democratic Party have contended Bill Schuette's inaction is politically motivated.

The Democratic party this week submitted a Freedom of Information Act request to Bill Schuette's office for communications, notes or scheduled meetings mentioning Rand, his office or Tommy Schuette and between the offices of the attorney general and Rand.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

In February, Tommy Schuette sued Rand and the county alleging Rand created a hostile work environment, harassing him for his hearing disability, and the county retaliated against him for opposing and reporting Rand's conduct.

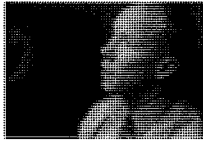


Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

Schuetzte recorded Rand calling a sitting judge a "scatter-brained c---" and discussing the creation of a murderous pornographic film involving a female court employee.

His lawyer, Jim Fett, gave the recordings to MLive and the Citizen Patriot.

In their answers to the lawsuit, the county and the sheriff have accused Schuetzte of trying to use the tapes to extort retirement benefits from the county.



Police investigated potential extortion stemming from inquiry into sheriff

This allegation also was investigated by the state police and is part of the report submitted to the attorney general's office in March.

Fett called it a wild claim. "It doesn't have any legs. It is not going anywhere."

For a listing of stories on Tommy Schuetzte's lawsuit and the sheriff, [click here](#).

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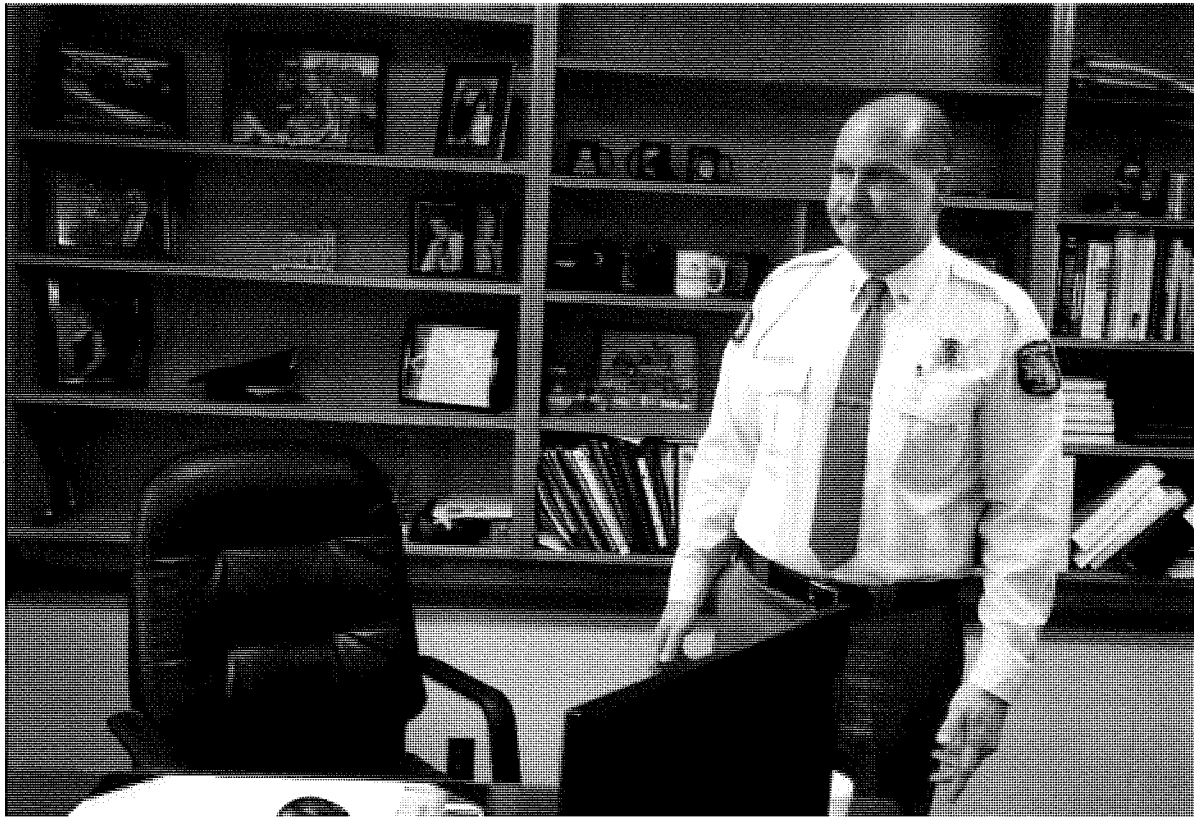
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JACKSON

Jackson County sheriff accused of being 'multifaceted bigot' may face recall

Posted Oct 5, 2018



Jackson County Sheriff Steven Rand apologizes and talks in general terms about the situation involving him and a federal lawsuit from his office on Tuesday, Feb. 20, 2018. (J. Scott Park | MLive.com) (J. Scott Park)

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By Taylor DesOrmeau | tdesorme@mlive.com

JACKSON, MI - Sheriff Steven Rand could face a recall vote if petition language is approved next week and more than 13,000 signatures are collected during the following six months.

Dean Schuette Sr., the father of Tommy Schuette, a sheriff's office lieutenant who's suing Rand in federal court, filed petition language Sept. 19 to recall Rand.

Rand has chosen to remain in office despite widespread calls for his resignation since the release of a series of disturbing audio recordings and the filing of the lawsuit alleging a pattern of bigoted behavior.



Jackson sheriff is 'multifaceted bigot' targeting women, blacks, the disabled, lawsuit states

The only way to oust a sheriff in Michigan is by governor's order or by recall. County leaders asked Gov. Rick Snyder to do just that in February, and Snyder referred the case to the Attorney General's office. It's been six months, but no decision has been made.



Snyder, Schuette need to remove Sheriff Rand. Now.

The Board of State Canvassers will review the recall language for clarity and factuality in an open meeting at 1:30 p.m. Monday, Oct. 8, in the Richard H. Austin Building, fourth floor training room, 430 West Allegan St. in Lansing.



The recall language reads: "Sheriff Steven P. Rand is a multifaceted bigot, having made numerous slurs in the presence of many individuals. Including blacks, gay's, women,

Hispanics, overweight people and disabled people."



Police looking into further possible criminal actions of Jackson sheriff

Schuette Sr., a retired Jackson Police Department detective, said he also submitted further documentation of the allegations from various news articles.

"I don't care who it's for - whether it's my son or somebody else - it's just the right thing to do," he said.

Audio recordings with some of the alleged comments were released by Lt. Tommy Schuette's lawyer in February. Rand did not deny it was his voice and apologized for his comments.



Recordings show pattern of crude, degrading comments about women by sheriff and commanders

If the recall language is deemed clear and factual, 13,606 signatures of registered Jackson County voters would need to be collected to put the recall on the ballot.

Lt. Tommy Schuette's lawsuit featured similar language, alleging Rand is a "multifaceted bigot" who has insulted blacks, women, the LGBT community, Hispanics and others. He's also accused of mocking the lieutenant for his work-related hearing loss and creating a hostile work environment.



'You are more of an object than a person,' woman named in tapes says of sheriff

"What's going on there at the sheriff's department right now ... it's just not right," Schuette Sr. said. "And we're allowing this to happen throughout our country, that you disparage people, you talk about people, you can do anything you want and just get away with it. It's just not right."

Schuette Sr. has a team of people ready to distribute recall petitions, he said. If language is approved Monday, he said he'll begin coordinating the effort.

The number of signatures needed is based on 25 percent of the votes cast for all governor candidates in the most recent gubernatorial election. It's unclear when numbers from the 2018 election for governor would go into effect during the recall process, said Fred Woodhams, spokesman for the Michigan Secretary of State office.

Signatures must be gathered in a 60-day period within 180 days of the language being approved.

In February, the Jackson County Board of Commissioners unanimously voted to send a letter to the governor asking for Rand's removal. Gov. Rick Snyder forwarded the request to the attorney general's office for review.

It's still under review, spokeswoman Andrea Bitely said.

Jackson sheriff's comments offensive, disturbing and wrong, Bill Schuette says

For more on the accusations and investigations of Rand, [click here](#).



State board says 'no' to recall petition language for Jackson County sheriff

By [STEVE CARMODY](#) ((PEOPLE/STEVE-CARMODY)) • OCT 8, 2018



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[url=http%3A%2F%2Fwww.tinyurl.com%2Fy649au7v&text=State%20board%20says%20%27no%27%20to%20recall%20petition%2](http://www.tinyurl.com/2Fy649au7v&text=State%20board%20says%20%27no%27%20to%20recall%20petition%2)



A state panel rejected recall petition language to remove Jackson County's sheriff (<http://www.michiganradio.org/post/jackson-county-board-votes-strip-sheriff-benefits>) from office Monday.

The recall language says Sheriff Steven Rand is a "multifaceted bigot," who has made numerous slurs against blacks, gays, women and others.

Some of the comments were allegedly caught on tape.

(http://mediad.publicbroadcasting.net/p/michigan/files/styles/x_large/public/201810/steven-rand.jpg).

The sheriff has apologized for his comments.

Jackson County, Michigan Sheriff Steven Rand

CREDIT JACKSON COUNTY SHERIFF / [HTTPS://WWW.CO.JACKSON.MI.US](https://www.co.jackson.mi.us)

However, the Michigan Board of State Canvassers decided the allegations in the recall

petition language lacked "specificity." The board voted four to zero to reject the recall language.

Dean Schuette is the recall campaign's organizer.

"I guess it's a set back and a step forward," says Dean Schuette, the recall campaign's organizer. "I figured this would happen. I really expected we would be rejected the first time."

An attorney for Rand submitted 23 pages of documentation challenging the recall language. She declined to comment on the board's action.

Schuette plans to resubmit his recall language with additional information backing up his claims.

If the board approves, Schuette and his supporters will need to collect more than 13,000 valid signatures in 60 days to be the recall on the ballot. Schuette says he hopes to win board approval for his recall language before the end of the year, so a recall election could be held in May. At this point, he says they have not identified a possible opponent to challenge Rand in a recall election.

Dean Schuette is a retired Jackson city police officer. His son is suing the sheriff's office (<http://www.michiganradio.org/post/lieutenant-files-federal-lawsuit-against-jackson-county-sheriff-calling-him-multi-faceted-bigot>) for creating a "hostile work environment."

Rand (<http://www.michiganradio.org/post/jackson-county-board-votes-strip-sheriff-benefits>) has refused numerous calls for his resignation. (<http://www.michiganradio.org/post/jackson-officials-ask-snyder-remove-sheriff-office>)

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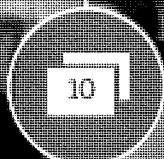
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Efforts to recall Jackson County Sheriff Steven Rand hit roadblock

Posted Oct 8, 2018



Gallery: State Board of Canvassers rejects Sheriff Steven Rand recall petition language

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By [Taylor DesOrmeau](#) | tdesorme@mlive.com

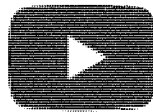
(Update: This story has been updated to include information on Sheriff Steven Rand's formal response to the recall)

LANSING, MI - EFFORTS to recall JACKSON County's top law enforcement officer have met a barrier.

Recall language against Jackson County Sheriff Steven Rand was denied 4-0 on Tuesday, Oct. 8 by the Board of State Canvassers. Board members called the language "unspecific" and lacking supporting evidence.

"If the person proposing the recall would have listed one incident with the exact wording, with documentation, that would be one thing," Vice Chairwoman Julie Matuzak said. "But this is a very broad, unspecific allegation."

State Board of Canvassers rejects petition langu...



The recall language reads: "Sheriff Steven P. Rand is a multifaced bigot, having made numerous slurs in the presence of many individuals. Including blacks, gay's, women, Hispanics, overweight people and disabled people."



Rand has been under fire since February, when a lieutenant in his office - Tommy Schuette - filed a federal lawsuit against him. Subsequent audio recordings released backed up many

OT Tommy Schuette's claims - with comments disparaging blacks, women, the disabled and the LGBT community, among others.

Dean Schuette Sr., who filed the language for the recall, is Tommy Schuette's father and a retired Jackson Police Department detective.

Schuette Sr., who worked for the Jackson Police Department for three decades, plans to tweak the language and resubmit it.

"I figured this would happen," Schuette Sr. said. "We're going to stick at it, we're not going to give up, we're going to go right back at it. We'll be submitting again right away."

While Rand wasn't at the meeting, a 23-page response to the recall was submitted on his behalf. It claimed the recall language was not clear or factually correct, adding that the words "slur" and "bigot" are subjective.



Snyder, Schuette need to remove Sheriff Rand. Now.

Another hearing would be scheduled within 10 to 20 days of newly submitted recall language, per state law.

Rand is also accused in the lawsuit of mocking the lieutenant for his work-related hearing loss and creating a hostile work environment.

Besides the recall language, Schuette Sr. submitted a list of comments allegedly made by Rand - including comments about making a snuff film with a court employee and calling a county judge a "scatterbrained c---."

Schuette Sr. has listened to the audio recordings, but said he doesn't have them available to submit as supporting evidence.

To recall Rand, 13,606 signatures of registered Jackson County voters must be collected within a 60-day period in the following 180 days.

A recall primary would then be scheduled during a May, August or November election - although Rand would be the automatic Republican nominee unless he chooses to withdraw. The recall general election would come at the next May or August election date.



'You are more of an object than a person,' woman named in tapes says of sheriff

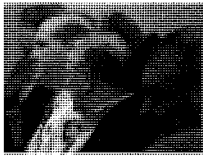
A group has been organized to collect signatures, Schuette Sr. said. He hopes to gather enough signatures by Christmas so that the recall election could take place next August.

Rand was first elected sheriff in 2012. His current four-year term expires in 2020. Recall petitions cannot be filed in the final year of his term, per state law.

A sheriff can only be removed by the governor or through a recall. The Jackson County Board of Commissioners asked Gov. Rick Snyder in February to remove Rand, and Snyder sent the issue to the attorney general's office for a review.

That review is still ongoing.

The county board also asked Rand to resign, but he's refused. While the board can't strip his pay, it did take away more than \$10,000 in annual benefits - plus access to his county-owned vehicle.



Embattled sheriff losing vehicle, nearly \$11,000 a year in benefits

Schuette Sr. had hoped to avoid leading the recall campaign. However, he reached the tipping point in recent weeks after he received a complaint from a county employee who said the sheriff behaved inappropriately with a woman who visited the sheriff's office. He did not provide names.

"He's just not learned from this," Schuette Sr. said. "It's time for Steve to leave. And we're going to stick at it until he's gone."

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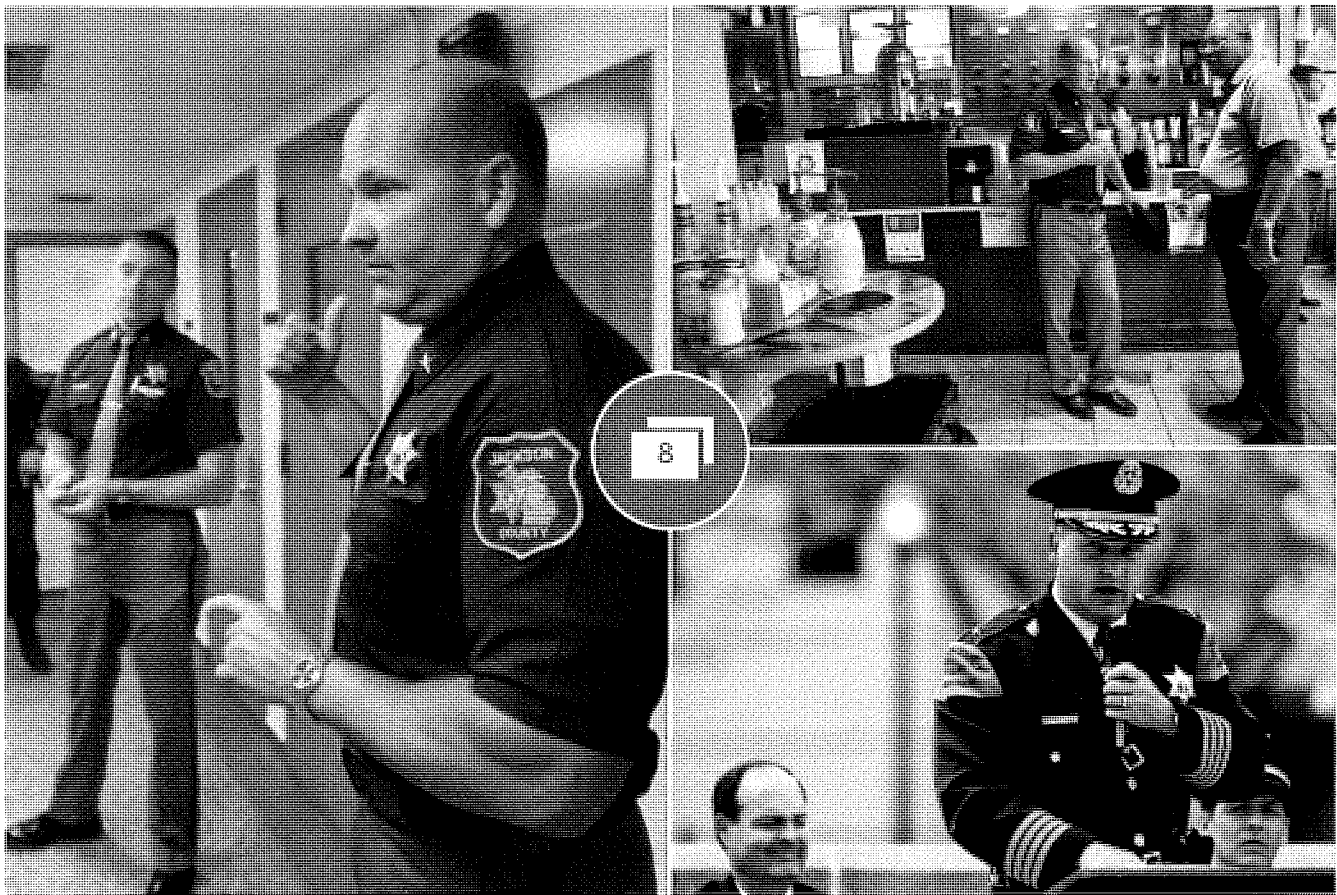
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DETROIT

Tired of waiting on state, recall campaigners look to oust Jackson County sheriff

Posted Oct 23, 2018



Gallery: Jackson County Sheriff Steven Rand

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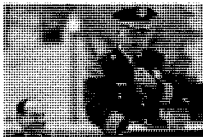


By Gus Burns | fburns@mlive.com

JACKSON, MI -- With no end in sight to a state probe into whether Jackson County Sheriff Steven Rand can be removed from office by the governor, a group preparing a recall

campaign is hoping a Wednesday hearing will help put the matter in the hands of voters.

It's been eight months since secret recordings and accusations of bigotry were revealed in a federal lawsuit, damaging police-community relations in the county and leading many to call for Rand's resignation.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

The recordings, which Rand admitted are authentic, captured several obscene remarks made by the sheriff, including stating that he's fantasized about videotaping himself shooting an employee in the head while having sex with her. Other statements degraded women and minorities or the LGBT community.

Jackson County Sheriff's Lt. Tommy Schuette (no relation to Attorney General Bill Schuette) secretly recorded Rand and filed the lawsuit that sparked the ongoing controversy.

His father, Dean Schuette Sr., 71, tired of waiting on the state to complete its review, is leading the voter recall charge.

"I have no idea why it would take this long," Schuette Sr. said. "To not have something come back in an eight-month period, it just doesn't make sense."

'Please try to accept my apology,' sheriff says in first on-camera interview

With the sheriff refusing to hang up his gun and badge, the only way he can be removed from office would be by voter recall, or removal by the governor.

The statute says a governor may remove a county official for various reasons, including habitual drunkenness, a felony conviction while in office, misconduct in office or "official misconduct," a term that isn't specifically defined in the law.

In February, the Jackson County Board of Commissioners requested that Gov. Rick Snyder remove Rand, and Snyder subsequently asked Schuette's office to review the 319-word state law on removal. Schuette then opened a separate criminal investigation with state police.

Police, however, say their investigation is unrelated to the recordings or lawsuit that sparked the effort to force out Rand in the first place.



Attorney general's office begins review into sheriff, at request of governor's office

"We were never investigating. That was always the state police," Schuette spokeswoman Andrea Bitely said. " ... I can't comment on what (Michigan State Police) is looking at - it's an open investigation.

"The (attorney general) is reviewing state laws and will then provide guidance to the governor."

During a gubernatorial campaign stop in July, Schuette called Rand's statements wrong and offensive, and said he understood mounting public frustration over the slow response to the then-5-month-old request for Rand's removal.

"Everybody who holds public office, particularly in law enforcement, there is a standard of performance, a standard of conduct. When you fail to meet that standard of conduct, you have to examine how you do life," Schuette said on July 31. The sheriff's conduct "runs contrary to everything I feel, in terms of my journey in public service."



Police explored allegation of misappropriated funds at sheriff's office

Bitely said she would not comment on how much longer the review would take.

Similarly, state police are saying little.

"The Michigan State Police is investigating at the request of the Attorney General's Office" and "I would direct you back to them for specifics," state police spokeswoman Lori Dougovito said last week. "The investigation is ongoing and we cannot speculate on a timeline.

"Every case and investigation is different."

The Attorney General's Office denied an MLive request for public records related to its review.

A similar records request is pending with state police.

Meanwhile, nearly 160,000 Jackson County residents and 50 sworn patrol deputies await resolution on the future of the county's top law enforcer.

"From my conversations in the community, (Rand has) completely lost the trust of the citizens that he is sworn to protect," said Jackson Mayor Derek Dobies said. "And I think it's

made it very difficult for his deputies to operate in the city and county, in dealing with some of the classes of individuals that (Rand) has discriminated against and ridiculed."

Jackson City Councilman Freddie Dancy said the lack of action has been frustrating.

"... You have him on tape, you have him even admitting to it, so everyone knows it's him," Dancy said. "I'm not Democrat or Republican. I just think the Republicans, they circled the wagons, and basically, out of sight, out of mind.

"Some people think it's just going to go away."

Jackson Mayor Derek Dobies believes the investigation may move forward after the Nov. 6 election, depending on the outcome.

Jackson leaders frustrated as Sheriff Rand investigation lingers





"I expect that after Nov. 6, we'll have a new governor and a new attorney general (who) will do something about it," said Dobies.

The mayor believes the next governor will be Schuette's gubernatorial rival, Gretchen Whitmer, who had a nearly 12-percent lead over Schuette in a WDIV-Detroit News poll published earlier this month.

"Sheriff Rand's comments and conduct in office are deeply troubling," Whitmer told MLive. "The Attorney General's office needs to stop dragging its feet on this investigation and release a report so that Governor Snyder can make a determination about Sheriff Rand's future."



"The people of Jackson deserve answers, and more importantly, they deserve a Sheriff who upholds the law and has the trust of the community. If I am elected and this matter has still

not been resolved by the time I take office, I will carefully review all of the facts in this case and move swiftly to ensure that Sheriff Rand is held accountable for any misconduct in office."

Bitely called the characterization that Schuette's office has anything to do with an investigation "inaccurate."

"The investigation is with the state police," she said. " ... There is no foot dragging going on, there is a law enforcement investigation going on.

" ... Since the governor's request came in, there have been numerous other allegations filed and law enforcement is carefully reviewing that information. It's important to the attorney general to have all the facts in a case, that's the only way to properly conduct a law enforcement investigation."



Embattled sheriff losing vehicle, nearly \$11,000 a year in benefits

The Jackson County Board of Commissioners, using what powers it does have over the sheriff, voted unanimously in May to take away Rand's taxpayer-funded SUV, a 2017 Ford Interceptor, and nearly \$11,000 in insurance and medical benefits.

In the interim, Schuette Sr. has revised and resubmitted language for the recall petition. The language was initially rejected by the Board of Canvassers in Lansing on Oct. 8.



The Board of Canvassers has scheduled another meeting to review the clarity of Schuette Sr.'s revised petition language for 1:30 p.m. Wednesday, Oct. 24, in Room 426 of the State Capitol Building in Lansing, 100 N. Capitol Ave.

The newly submitted recall language is more specific in its accusations against the sheriff.

It reads: "Sheriff Rand is a multifaceted bigot, who was taped in the presence of many others, disparaging Women, Blacks, Hispanics, and others. Rand has admitted that it is him on the tapes. Rand talked of putting together a pornographic movie of a murder. 'I always wanted to do a Snuff Film with her, and she could be the star. I would put one in the back of her head as I (ejaculate).' Note: The voice on the tapes is Steve Rand and verified by Mlive Reporter Danielle Salisbury, and myself."

If it's approved, Schuette Sr. and volunteer supporters will have a 60-day window within the next six months to collect 13,606 signatures.

If that threshold is met, the recall vote could go before voters as soon as May, Schuette Sr. said.

Schuette Sr. said he's heard the recordings, though did not submit them as supporting evidence for the recall petition hearing, saying the tapes are tied up with lawyers.

"I've also listened to the tapes. I know Steve. I've known him since he was a kid," Schuette Sr. said. "I know his voice."

For a list of stories on Tommy Schuette's lawsuit and the sheriff, [click here](#).

MLive reporter [Taylor DesOrmeau](#) contributed to this report.

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More recall language submitted in attempt to oust Jackson County sheriff

Posted Nov 14, 2018



Gallery: State Board of Canvassers rejects Sheriff Steven Rand recall petition language

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By Taylor DesOrmeau | tdesorme@mlive.com

JACKSON, MI - Alleged discriminatory comments by Jackson County Sheriff Steven Rand aren't the only reasons for his recall being cited in the latest round of petition language.

One of the parts of recall petition language recently filed with the state Board of

One of three sets of recall petition language recently filed with the state Board of Canvassers cites an incident in which Rand discharged his weapon in his office - which Undersheriff Chris Kuhl confirmed in February, and referred to as "accidental."



Sheriff discharged firearm in office, while secretary was nearby, document says

Rand can only be removed from office by a recall or governor's order.

The board will consider the new language at a 2 p.m. meeting on Thursday, Nov. 15, in Room 426 of the State Capitol Building in Lansing, 100 N. Capitol Ave. Citizens can address the board at the start of the open meeting.

The three petitions submitted are:

- On August 8, 2017, Sheriff Rand accidentally discharged a hand gun in his office, causing damage to the floor and carpet. Sheriff Rand did not report the incident, and attempted to cover it up. This is a violation of
- The Jackson County Board of Commissioners requested Rand resign his position by May 1, 2018 or lose all county benefits (sic). Action was caused by several statements Rand made during staff meetings at the Sheriff's Dept. Sheriff Rand said of a court employee: "I always wanted to do a snuff film with her, and she could be the star. I would put one in the back of her head as I ejaculate."
- The Jackson County Board of Commissioners requested he resign his position as sheriff by May 1, 2018 or lose all county benefits (sic). Action was caused by several statements Rand made during staff meetings at the Sheriffs Department in the presence of many others. Sheriff Rand said of a county court employee: "I always

wanted to do a snuff film with her, and she could be the star. I would put one in the back of her head as I (ejaculate)."

The gun discharge was handled internally with undocumented, verbal disciplinary action, Kuhl has said. A sheriff's detective who witnessed the incident wrote a report that was never filed in the sheriff's office system.

Rand is accused in a federal lawsuit of being a "multifaceted bigot," with discriminatory comments made against women, blacks, Hispanics, the LGBT community and the disabled - among others.

Language to recall sheriff denied again as petitioner claims 'obstruction'

Tommy Schuette, a lieutenant in the sheriff's department, filed the lawsuit.

This recent recall petition language was filed by Schuette's father, Dean Schuette Sr. His first two attempts at passing recall petition language were denied by the state Board of Canvassers.

Schuette's lawyer released hours of audio recordings in February, with evidence of Rand's discriminatory language.



Lawyer releases obscene audio he claims proves Jackson sheriff is bigot

While Rand confirmed to MLive it was his voice on the recordings, the Board of Canvassers took issue with past language involving quotes from the tapes. It also takes issue with misspellings in recall petitions.



The board considers the language for clarity and factuality.

"A transcript admitted to by the sheriff would probably be factual," Board Chairman Norman Shinkle said Oct. 24.

If it's approved, Schuette Sr. and volunteer supporters will have a 60-day window within the next six months to collect 13,606 signatures. Rand's four-year term goes through 2020.

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Recall effort against Jackson County sheriff moves forward

By [STEVE CARMODY](#) (/PEOPLE/STEVE-CARMODY) • NOV 26, 2018



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A recall petition against Jackson County Sheriff Steven Rand

(http://mediad.publicbroadcasting.net/p/michigan/files/styles/x_large/public/201811/steven-rand.jpg).

Jackson County Sheriff Steven Rand

CREDIT JACKSON COUNTY SHERIFF / [HTTPS://WWW.CO.JACKSON.MI.US](https://www.co.jackson.mi.us)

(https://www.mlive.com/news/jackson/index.ssf/2018/02/racist_sexist_anti-gay_sheriff.html) is moving forward.

The Board of State Canvassers approved petition language Monday. The board rejected several previous applications. (<http://www.michiganradio.org/post/state-board-says-no-recall-petition-language-jackson-county-sheriff>)

The recent push started after Rand was accused of making sexist, racist and other inappropriate statements. The sheriff has apologized (<https://www.youtube.com/watch?v=vw9ldEJ5hBU>), but that's not enough for Dean Schuette, the man behind the recall campaign.

"Sheriff Rand probably just should have resigned when this first happened," says Schuette. "There's no fixing this problem that he's created all by himself."


Schuette hopes to collect enough signatures to put the recall on the May 2019 ballot.

TAGS: [STEVEN RAND \(/TERM/STEVEN-RAND\)](#), [JACKSON COUNTY SHERIFF \(/TERM/JACKSON-COUNTY-SHERIFF\)](#),

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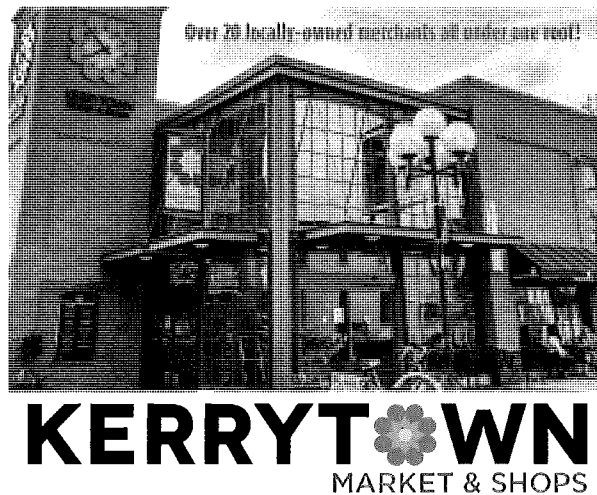
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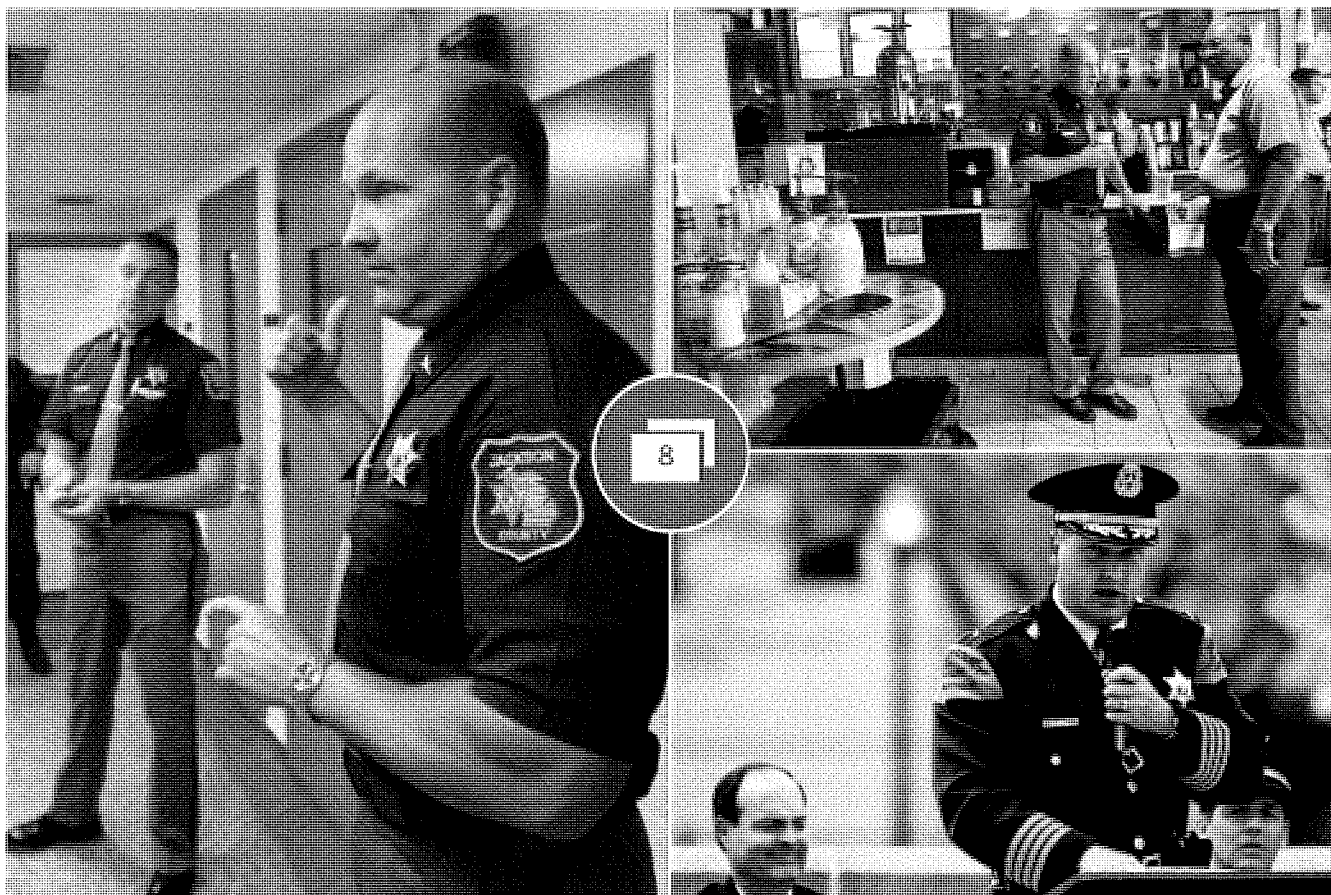
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Recall against Jackson sheriff set to begin as state approves language

Posted Nov 26, 2018



Gallery: Jackson County Sheriff Steven Rand

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By [Taylor DesOrmeau](#) | tdesorme@mlive.com

LANSING, MI - Two months of tweaking potential petitions has been rewarded, as Dean Schuette Sr.'s fourth attempt at language to recall Jackson County Sheriff Steven Rand

was approved by the state Board of Canvassers.

Tired of waiting on state, recall campaigners look to oust Jackson County sheriff

At its Monday, Nov. 26 meeting at the State Capitol, 100 N. Capitol Ave. in Lansing, the board voted 4-0 to approve the recall petition language, which reads, "On February 20, 2018 the Jackson County Board of Commissioners passed Resolution 02-18.9, requesting Steven Rand resign from the office of Sheriff, effective immediately."

The board considers the language for clarity and factuality.

Schuette Sr. said he was "relieved" to see the language passed on the fourth attempt. He's started gathering volunteers in preparation for the signature-gathering campaign - but needs more.

"(This) is their way to make government work," Schuette Sr. said. "It's their way to show government can work for people. You've just got to take some action."

A Facebook page called "Remove Sheriff Rand" has been created to organize efforts, with a website soon to follow, Schuette said.

Rand did not file a written response to the submitted language as he did for the first two rounds of recall petition language submitted by Schuette Sr.

Rand wasn't immediately available for comment Monday.

Schuette Sr. is the father of Jackson County Sheriff's Lt. Tommy Schuette, who's suing Rand in federal court for being a "multifaceted bigot" by making discriminatory comments against women, minorities and the disabled.





Recordings show pattern of crude, degrading comments about women by sheriff and commanders

An audio recording released by Schuette's lawyer includes many of the alleged comments and Rand has confirmed the voice heard is his.

Rand has 10 days to appeal the board's decision, per state law. If he appeals, the state has 40 days to make a final ruling.

Then, Schuette Sr. and his volunteers must collect 15,213 signatures from registered Jackson County voters in a 60-day window in the following six months, per state officials.

Schuette Sr. said they'll likely hold off on collecting signatures until after the holidays.

A primary election to determine the Democratic challenger to the Republican Rand would take place at the next regular election at least 95 days later. A general election would occur at the following May or August election.

To force an election before 2020, signatures must be submitted by Feb. 1.

After the board's approval of his first round of potential recall petition language, Schuette withdrew a second attempt that read, "On August 8, 2017, Sheriff Steven Rand accidentally (sic) discharged a hand gun in his office at the Jackson County Sheriffs Dept. This is a violation of Michigan Law: 752.863a."



Sheriff discharged firearm in office, while secretary was nearby, document says



Rand's four-year term goes through 2020. He took over as sheriff in 2011 when Dan Heyns left the position and was elected in 2012 and 2016.

For more on the allegations against Rand and the response of the community, [click here](#).

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Attachment 2

STATE OF MICHIGAN
DEPARTMENT OF ATTORNEY GENERAL



P.O. Box 30754
LANSING, MICHIGAN 48909

DANA NESSEL
ATTORNEY GENERAL

March 13, 2019

Mark Totten
Legal Counsel to the Governor
Office of the Governor
George W. Romney Building
111 South Capitol Avenue
Lansing, MI 48933

Re: Request for Removal of the Jackson County Sheriff

Dear Mr. Totten:

Your office has requested review and recommendation by this Department regarding a request on behalf of the Jackson County Board of Commissioners (the County Board) for the removal of Steven Rand as the Jackson County Sheriff.¹

RECOMMENDATION

While it is understandable why the County Board asked the Governor to remove Mr. Rand, nonetheless, because of the requirements of Michigan's removal statute, the law does not permit the Governor to remove Sheriff Rand based on the information provided in this request. For this reason, it is my recommendation that the Governor decline this removal request in light of its procedural and substantive deficiencies.

¹ The removal request was submitted last year to Governor Snyder and thereafter referred to this office for review by Governor Snyder's Legal Counsel. This office's review of the removal request was pending at the end of Governor's Snyder's term of office on January 1, 2019.

BACKGROUND

It has been publicly reported that, as of early 2018, Sheriff Rand is a defendant in a lawsuit in which the plaintiff, a lieutenant at the Jackson County Sheriff's Office, alleges that Sheriff Rand discharged his firearm while in the office and engaged in separate instances of harassing behavior.² Subsequently, the County Board issued a resolution that condemned Sheriff Rand's behavior and directed its chairperson to send a letter to Governor Snyder seeking the removal of Sheriff Rand from office. And, on February 23, 2018, Chairperson James Shotwell submitted a removal request that attached the County Board's Resolution.

LAW

1. Removal of Elected County Officers

The Governor has constitutional and statutory authority to remove local public officials from office. In particular, Article 7, Section 33 of the Michigan Constitution provides that "[a]ny elected officer of a political subdivision may be removed from office in the manner and for the causes provided by law."

Consistent with the above constitutional provision, MCL 168.207 establishes the substantive grounds for removal of certain elected county officers, including the county sheriff.³ It provides for six substantive grounds for removal:

The governor may remove any and all county officers named in section 200 of this chapter when [s]he shall be satisfied from sufficient evidence submitted to him . . . that such officer has been guilty of [1] official misconduct, or of [2] wilful neglect of duty, or of [3] extortion, or [4] habitual drunkenness, or [5] has been convicted of being drunk, or [6] whenever it shall appear by a certified copy of the judgment of a court of record of this state that such officer, after his election or appointment, shall have been convicted of a felony. [MCL 168.207]

However, the statute prohibits the Governor from "act[ing] upon any such charges made to him [or her] against any such officer until the same shall have been [1] *exhibited to [her] in writing*, [and 2] *verified by the affidavit of the party making*

² The lawsuit, which was filed in the United States District Court for the Eastern District of Michigan and is presently in discovery, is captioned *Schuetz v. Rand*, and has been assigned to Magistrate Judge Dawkins Davis with the case number 4:18-cv-10497-SDD.

³ The county sheriff is specifically listed in section 200 of Michigan election law and is therefore subject to removal by the Governor under MCL 168.207.

them. . .” *Id.* (emphasis added). And, in general, “affidavits must be made on the affiant’s personal knowledge” since it is “an affiant’s personal knowledge, and not his or her beliefs, opinions, rumors, or speculation, that are the proper subject of any affidavit.” 2A C.J.S., Affidavits, § 46.

The county officer subject to removal proceedings must then be afforded an opportunity to review and respond to the charges and supporting affidavit:

[N]o such officer shall be removed for such misconduct or neglect until charges thereof shall have been exhibited to the governor as above provided and *a copy of the same served on such officer and an opportunity given him of being heard in his defense*: Provided, That the service of such charges upon the person or persons complained against shall be made by handing to such person or persons a copy of such charges, together with all affidavits or exhibits which may be attached to the original petition if such person or persons can be found; and if not, by leaving a copy at the last place of residence of such person or persons, with some person of suitable age, if such person can be found; and if not, by posting it in some conspicuous place upon his last known place of residence. [*Id.* (emphasis added).]

Regarding these requirements, Michigan Courts have long held that removal “is a power to be carefully used, and . . . in exercising it the statutes must be strictly followed.” *Metevier v Therrien*, 80 Mich 187, 196 (1890). The power can only be exercised “upon charges which shall specify the particular acts or neglect relied on to make out the cause alleged.” OAG, 1932-1934, p 410 (December 11, 1933), quoting *Dullam v Willson*, 53 Mich 392 (1884) (internal quotation marks omitted). Furthermore, “the affidavit must allege specific charges and the date and place of their occurrence against each of the officers accused.” *Id.* at p 409; see also *Metevier*, 80 Mich at 190–191. Ultimately, [t]he Governor has no right to order an investigation except upon specific charges,” and “those charges must consist of distinctly stated facts.” *Metevier*, 80 Mich at 190, 191. And Michigan courts have generally agreed that an officer subject to removal has a right to a hearing. *Dullam*, 53 Mich at 407 (Champlin, J.) (officer “is entitled to a reasonable notice of the time and place when and where an opportunity will be given him for a hearing, and he has a right to produce proof upon such hearing.”); *Dullam*, 53 Mich at 414–415 (Campbell, J., concurring) (officer has right “to examine and cross-examine witnesses”). See also *Attorney General v Jochim*, 99 Mich 358 (1894) (discussing at length “due process” considerations in context of removal).

2. Willful Neglect of Duty

While the phrase “willful neglect of duty” is not defined in the instant removal statute, section 478 of the Michigan penal code, MCL 750.478, provides that

[w]hen any duty is or shall be enjoined by law upon any public officer, . . . every willful neglect to perform such duty, where no special provision shall have been made for the punishment of such delinquency, constitutes a misdemeanor punishable by imprisonment for not more than 1 year or a fine of not more than \$1,000.00.

For a public official to be convicted under this statute, it must be established:

(1) that the defendant was a public officer . . . (2) that the defendant had a duty that is ‘enjoined by law,’ and (3) that the defendant willfully neglected to perform that duty. [*People v Parlovecchio*, 319 Mich App 237, 241 (2017), citing MCL 750.478 and *People v Medlyn*, 215 Mich App 338, 341 (1996).]

Regarding the first element, a public officer has been defined by the Legislature to include “person[s] who [are] elected or appointed to . . . [a] public office of a city, village, township, or county in this state.” MCL 15.181(e)(ii). As to the second element, a public officer is “enjoined by law” when he can be compelled in a mandamus action to act—i.e. when the public officer “ha[s] a clear legal duty to perform [a certain] act.” *Parlovecchio*, 319 Mich App at 242—243, citing *Twp of Casco v Secy of State*, 472 Mich 566, 577 (2005). Finally, as to the third element of MCL 750.478, “bad purpose” is necessary for a finding of willful neglect of duty. *Medlyn*, 215 Mich at 345. A bad purpose may “be met upon a mere showing that [the public officer] failed to do what he was obligated to do.” *Id.*

3. Official Misconduct

Similarly, the instant removal statute does not provide a definition of the phrase “official misconduct.” However, “[t]he offense of *misconduct in office* was an indictable offense at common law.” *People v Waterstone*, 296 Mich App 121, 133 (2012) (emphasis added). The offense was defined as “corrupt behavior by an officer in the exercise of his duties,” and a public officer could be found guilty of misconduct in office:

(1) for committing any act which is itself wrongful, malfeasance, (2) for committing a lawful act in a wrongful manner, misfeasance, or (3) for failing to perform any act that the duties of the office require of the

officer, nonfeasance.” [*Id.*, quoting *People v Perkins*, 468 Mich 448, 456 (2003).]

Ultimately, because willful neglect of duty under MCL 750.478 and misconduct in office under a nonfeasance theory punish the same conduct, the two offenses are “effectively one and the same.” *Waterstone*, 296 Mich App at 141. And, regarding the requirement of a finding of corrupt behavior under a “misconduct in office-nonfeasance” prosecution, see, e.g., *People v Coutu*, 459 Mich 348, 354 (1999), “[i]f a public officer willfully neglects to perform a legal duty, he or she engaged in corruption or corrupt behavior.” *Waterstone*, 296 Mich App at 141.

ANALYSIS

Here, the procedural and substantive requirements for the commencement of removal proceedings by the Governor under MCL 168.207 have not been met. As to the procedural requirements, the request lacks an affidavit and there is no indication from Mr. Shotwell’s letter that Sheriff Rand has been served with a copy of the removal request.

Additionally, as to the substantive requirements, neither Mr. Shotwell’s letter nor the Board’s resolution specify how Sheriff Rand’s particular conduct constitutes one of the six substantive grounds for removal under MCL 168.207. See, e.g., OAG, 1932-1934, p 410 (December 11, 1933) (noting that the removal power can only be exercised “upon charges which shall specify the particular acts or neglect relied on to make out the cause alleged”) and OAG 7307 (December 19, 2018) (noting that removal “is a power to be carefully used, and . . . in exercising it the statutes must be strictly followed”), citing *Metevier*, 80 Mich at 196.

As noted above, this removal statute specifies particular kinds of conduct, requiring either criminal convictions for a felony or for drunkenness or proof of criminal conduct itself – official misconduct, willful neglect of duty, or extortion – or evidence that the officer is guilty of habitual drunkenness. In this case, no such conduct has been alleged. Importantly, an official’s intemperate statements, including ugly epithets, while deeply offensive, do not, by themselves, constitute willful neglect of duty or official misconduct and do not provide a basis for removal.

Mark Totten
Page 6
March 13, 2019

CONCLUSION

I recommend that the Governor decline this removal request as the request does not meet the statutory requirements for the removal of a county official. If the Governor declines this request for removal, the requester is not without other remedies. For example, the law provides for the recall of a local official who serves a term for more than two years, such as a sheriff, see MCL 168.951(1), and of course such an official must stand for office at the next election. Moreover, the requester may resubmit a request in compliance with the requirements set forth in MCL 168.207.

Sincerely,

A handwritten signature in blue ink that reads "Kelly Keenan". The signature is fluid and cursive, with a long horizontal flourish extending to the right.

Kelly Keenan
Deputy Attorney General

KK/bt

Attachment 3

Chapter 9:

LAW ENFORCEMENT AND PUBLIC SAFETY

Law enforcement responsibility, broadly defined, is dispersed throughout government agencies. For example, the Department of Public Health administers the state public health code to ensure that the conditions in public restaurants are sanitary and that our drinking water is pure. The Department of Agriculture oversees slaughterhouses to help assure that the meat we eat is wholesome. And the Department of Natural Resources is charged with making certain that residents obey laws regarding fish and game as well as other environmental matters. At the community level, a building department may enforce state regulations and local building ordinances to assure the use of safe materials and construction methods. These are just a few examples of how state and local agencies are involved in enforcing laws and protecting the safety of residents. County, city, and township governments are involved in many of these regulatory functions.

In this chapter we deal with law enforcement and public safety in a more traditional sense. We review the role of county government in law enforcement and public safety by looking at three county agencies—the offices of sheriff, prosecutor, and medical examiner. We also consider a few related topics—animal control, emergency preparedness, fire protection, and emergency medical services.

THE COUNTY SHERIFF

Mention the words "county sheriff" in Michigan and most residents will conjure up the image of a patrol car with the familiar emblem of a gold star on a black background on the doors. It is an appropriate image because that is the contact most of us have with an office of the county sheriff. The roots of the office of sheriff, however, may be surprising to most of us.

The word "sheriff" is derived from the old English term "shire" (the early word for county) and "reeve" (county "headman"). The two words eventually were merged into sheriff. *Shire reeves* in England began as appointed executives or administrative officers concerned with a variety of duties; from collecting taxes to carrying out various commands of the king, other officers, and, later, judges. The range of duties was rather broad and not specialized in the role of law enforcement or public safety as we experience it in Michigan today.

The first Michigan Constitution (1835) provided for the office of sheriff as has each succeeding constitution. The constitutions, however, have left to the state legislature the task of defining specific responsibilities of county sheriffs. About

the only thing these documents say about duties is that a sheriff may hold no other office with the exception of head of civil defense which now goes under the title of emergency preparedness.¹ In 1992, though, the legislature said something further about county sheriffs and deputies who are also lawyers—they may not serve process in which they act as attorney or counsel in a case or appear in court as attorney or counsel for a criminal defendant. This statute also permits the board of commissioners to limit or prohibit the sheriff or a deputy from practicing law and the sheriff may regulate such practice by a deputy.²

RESPONSIBILITIES AND FUNCTIONS

The legislature, over the years, has passed many laws that in some way involved the office of county sheriff. They are much more numerous than can be discussed here. Our approach will discuss first the selection of sheriffs and qualifications for the office and then the responsibilities and functions of the office under four general headings—the sheriff as public safety officer, jail administrator, department manager, and court officer.

Public Safety Officer

A key factor contributing to the independence of sheriffs is the fact that the constitution provides for their election to four-year terms.³ The board of county commissioners does not get to select this administrator. The people elect the sheriff in each county in the November election in the year we elect the president of the United States. Candidates for sheriff normally are nominated by their political party in the August primary election. ("Minor" party candidates may be nominated in a party convention.)

To secure a place on the primary ballot, a person must file petitions signed by registered electors equal in number to 1 percent of the votes cast in the county for the party's candidate for secretary of state in the previous election. Would-be candidates have the option of paying a filing fee of \$100 which is refundable to the two candidates who received the highest number of votes in each party primary.⁴ Petitions or a fee must be filed with the county clerk not later than 4:00 p.m. on the twelfth Tuesday prior to the primary election date.⁵

Neither the constitution nor state statutes stipulate qualifications for the office of sheriff other than candidates must be qualified electors in the county in which they seek election. In other words, the person need only be a U.S. citizen, a resident of the county, at least 18 years old, and registered to vote. There is no maximum age that legally disqualifies a person from holding the office.

Vacancies in the office because of death, disability, resignation, or removal are filled by appointment.⁶ Should the office become vacant, the undersheriff is directed by law to fill in on a temporary basis until the permanent successor is appointed. A committee composed of the senior probate judge of the county, the county clerk, and county prosecuting attorney appoints a replacement to serve for the remainder of the term. If the vacancy occurs during the first two years of a term and more than 182 days before the mid-term election, the person appointed may serve only until the person chosen in mid-term election is certified and qualified.⁷ Our mention of qualifications here refers to the need for the person to be sworn into office and to file a bond, one the state constitution requires.

The board of county commissioners determines whether the sheriff may be covered by the county's "blanket" bond or by an individual bond. The coverage must be at least \$10,000 and, if an individual bond, approved by the board.⁸ This bond is required to provide protection against fraud and deceit concerning the funds handled by the sheriff department. The statutory minimum of \$10,000 may or may not be adequate depending on the amount of funds that are customarily turned over to the sheriff. The sheriff or the board of commissioners may want to provide additional insurance to protect against various kinds of charges that sheriffs are almost bound to encounter in our litigious society. Our state constitution states that the county shall never be responsible for the action of the sheriff but many charges may not be all that clear cut.⁹ Actions or decisions by the sheriff or deputies, thus, could lead to legal defense expenses as well as the cost of judgments against the county.¹⁰

The board of county commissioners sets the annual salary of the county sheriff if the county has not established a county officer's compensation commission.¹¹ The statute states that the board of county commissioners may raise the salary during a term of office but may not lower it.¹² Any decreases in the salary can only take effect at the beginning of a new term. The law books also say that the county board must establish the salary by November 1 of a given year. The attorney general, however, ruled that this provision was not binding on county boards.¹³ This provision has become even less significant as counties changed the beginning of their fiscal year to October 1. In counties where the board or compensation commission sets the salary as full compensation for the position, the sheriff is not entitled to retain fees received for performing certain statutory duties. Rather the fees must be turned over the county treasurer who deposits them in the county general fund.¹⁴

Organization of public safety enforcement is complex largely because public safety law enforcement is the domain of several different police agencies. The national government has the Federal Bureau of Investigation and the Bureau of Alcohol, Tobacco, and Firearms. The Michigan Department of State Police has posts and officers scattered throughout the state, and most cities, villages, charter townships, and some townships also have their own police departments. The county sheriff departments represent the layer between the state police and municipal departments. We can add to these university and college police departments and teams of special investigators of the state attorney general department. Making the field even more complex are the "rent-a-cop" firms that also provide a form of police protection, and companies that hire their own guards.

Politics of Law Enforcement

It would be easy for anyone looking at this maze of police organizations to argue that we could rearrange them to create a more efficient system. Perhaps so, but we should not be expecting many major changes. Several reasons support this view. Probably the most important is that residents, whether of state, county, or community, have a kind of special relationship with and concern over their police departments. Residents depend on the police services when they call upon them. So people want the continuing confidence that "their" police will be available and will respond quickly when an emergency arises.

The concern deals with control over the police department both from the standpoint of having the police respond when needed and also from the perspective of controlling the conduct of the police. Now that police departments have become more professional and sensitive to the public relations dimensions of their work, the horror stories we once read about are infrequent. Nonetheless, citizens continue to be concerned about having political and social control over their police departments.

A second reason we are not likely to "simplify" the law enforcement maze is that the present system provides a citizen-influenced way of allocating police resources to areas of greater need and want. Our multi-layered approach permits each county to decide how much to devote to its public safety and law enforcement services. And if cities or townships find the level of service inadequate for their needs and wants, they can decide how many of their resources they want to allocate for additional services. Businesses and other organizations that provide their own protective services do so at private rather than public expense and do so without competing for public police time.

A third reason is the present arrangement provides a degree of redundancy and backup to meet temporary emergencies. While the various levels of police services are sometimes competitive with each other, most also have formal or informal agreements to assist each other or to provide backup support.

Fourth, the various police agencies have special but not always exclusive roles. The state police, for example, operate the state's crime lab, maintain the criminal records system, primarily patrol the state freeway system, and provide backup in rural areas for understaffed sheriff agencies. County sheriff departments operate the county jail and temporary lockup facilities and concentrate their patrols on county and state road systems. City and township departments, on the other hand, focus on enforcing local ordinances and addressing local needs, such as school protection, as community residents and officials direct.

Fifth, ever since "9-11" when the airplanes crashed into the World Trade Center in New York City, the Pentagon in Washington, D.C., and the related crashing of the airplane in Pennsylvania, the fear of such terrorist acts has grown. And since that time, the fear of potential terrorist actions have become more realistic, thus driving demand for a more ready network—from federal to local—of investigators and respondents to such incidents.

Finally, we should note that the police community now constitutes a rather powerful interest group. It operates collectively on issues that are common to all groups but from time to time we also find various parts of the group competing for funding. For example, state police lobbyists worked quietly behind the scenes to scuttle county sheriff efforts to obtain state funds for county road patrol in 1978. All the groups now have organizations to serve as "watchdogs" at the state capitol and to advance the individual and collective interests of the police community.

Because of their respective political power we may not see great changes in how police services are organized. However, at the outset of the 2007-08 legislative session, Governor Jennifer Granholm and others proposed steps to "encourage"

local governments to collaborate in providing governmental services, including police services. As a way to "encourage" cooperation, she proposed withholding some state revenue sharing from local units that did not implement collaborative actions. As we write, the effects of this proposal remain undetermined. However, several townships and at least one city—Mt. Clemens—have contracted with county sheriff departments for police protection services.

Jurisdiction

We think of the jurisdiction of county sheriffs in two senses, legal and geographical. From a legal perspective, county sheriffs and their deputies are both state and "local" peace officers. They have a basic responsibility to enforce the criminal laws of the state.

Power of arrest

Perhaps the most potent of all police powers in American society is the power of arrest—the authority to apprehend and detain persons to make them available to answer a criminal charge. In effect, an arrest is the seizure of a person and consequently, is governed by the 4th Amendment of the U.S. Constitution relating to restrictions against unreasonable search and seizure.¹⁵ The power of arrest constitutes a major portion of the exercise of police power.

The power of arrest is defined by both state statutes and state and federal court decisions. In general, society restricts the power of arrest by requiring an officer to request authorization for a warrant from the county prosecutor and officially file a complaint with a judge who may then grant a warrant. As a form of control, then, an officer must often first explain and justify to others why such a person should be arrested.

But the law also permits police officers to make arrests under certain other circumstances; for example, when someone commits a misdemeanor or violates an ordinance in the officer's presence. Beyond that, the power of arrest is tied to the clause, "reasonable or probable cause." A peace officer may make an arrest when he or she has reasonable cause to believe a felony has been committed and when the officer has reasonable cause to believe the person to be arrested, actually committed the crime even though the officer was not present. As a court stated, probable cause to arrest exists if the facts available to the officer at the moment of arrest would justify a fair-minded person of average intelligence to believe that the suspected person has committed the felony.¹⁶ Similar reasonable cause rules apply to a variety of other circumstances in which an officer must use personal judgment (e.g., what is a reasonable action) or on the information of some other authoritative source. And, more recent legislation permits arrest when a person violates a court injunction—for example, an order forbidding an angered and estranged spouse to enter the residence of the other.¹⁷

Uniform traffic code

In addition to enforcing the state criminal code, county sheriff departments also possess the authority to enforce the Uniform Traffic Code. This is the state code that spells out the rules of highway traffic. Cities and townships, by adopting the code, can convert it into a local ordinance. Counties, however, are not authorized to do this. Consequently, county sheriff departments enforce the state version of

the code unless deputies are working in a township or city which has enacted it as a local ordinance. The advantage of local enactments relates to the distribution of fines and fees that result from the violation tickets that are issued. Most traffic offenses are now civil infractions.¹⁸

Geographical limits

The law imposes some geographical limits on the power of arrest. The general rule is that county sheriffs and their regularly sworn deputies may make arrests for violations of state law anywhere within the county in which they are elected or appointed to serve. They may also arrest for the violation of city, village, and township ordinances of those units lying within the county.

As a practical matter, county sheriff departments generally leave law enforcement and public safety concerns in cities to the city police departments even though a sheriff has legal authority to enforce the laws in those municipalities. If the local departments are adequately staffed, the county officers, like those of the state police department tend to focus their efforts in areas where police protection services are needed. In other words, county police departments do not usually compete for business. It is not uncommon for county sheriffs to provide backup support at times when city officers are unavailable or understaffed.

While county sheriff departments commonly leave local policing responsibilities to city and village departments, the law now provides a procedure for city and village councils to seek assistance from county sheriffs. A local council may pass a resolution asking the sheriff to patrol county roads and state trunk lines within the corporate limits and also, with state police approval, to provide vehicle inspections on county roads within the city or village. In order for the resolution to become effective, the county commissioners must approve. If the board fails to act within 30 days after receiving the resolution, approval is presumed and the sheriff is required to provide the services. The city or village resolution, however, is void if the unit reduces the number of its sworn officers below its highest level during the preceding three-year period.¹⁹

The situation in townships is a little different. Until the mid-1960s, townships did not have the authority to have their own police departments. Now a number of them, especially in suburban areas, but some in rural communities as well, have police departments. Some of these are "branch" departments of the county sheriff. These may be departments provided under contract with the sheriff's office and funded with township revenues. In other cases, township departments may be financially independent but reliant on the sheriff's authority through the deputization of the officers. This is more likely to be the case where a township department does not meet state standards completely. A third alternative, of course, is for townships to have their own departments similar in standing to city or village departments.

Finally, some townships simply contract with the county sheriff to provide additional patrol service in township areas and in fact, function as a "local police department." Under this arrangement, a township board would have no operational responsibilities for the department although the board should exercise contract oversight to assure their residents that the sheriff's department is meeting

its contractual obligations. Ordinarily, while county sheriff departments may enforce township ordinances, they are only required to if a township board agrees to pay for the service.²⁰ It should also be noted that a township's contract may not be with the sheriff in an adjacent county, even if that sheriff offers a better deal, because the sheriff from another county does not have jurisdiction.²¹

These kinds of arrangements have developed with suburbanization and less-than-commensurate funding increases for county sheriff staff, at least for patrol purposes. In some counties, county sheriffs withdrew or dramatically reduced patrol services because of funding limitations. Residents and township boards complained about inadequate police protection. But in the process they learned that while the law assigns the county sheriff department responsibility for patrolling county primary and secondary roads outside city and village limits, the intensity of that coverage is discretionary with the county sheriff and board of commissioners.²² Thus, as needed or wanted police services expanded beyond the scope of county funding, officials turned to intergovernmental contracting for service.

Authority in other counties

County sheriffs, as a general rule, are not authorized to exercise their powers outside the limits of the county in which they are elected. But some exceptions apply. One involves "hot pursuit" in which an officer may cross a county line to detain a suspected violator. County deputies may make an arrest outside the county if they have a warrant for a crime committed in the "home" county.²³ And, county officers may exercise their authority in another county if they are working in conjunction with an officer in another jurisdiction.²⁴ Police officers who, on their own, exercise the authority of a peace officer outside their own bailiwick, do so only under the power private citizens possess.²⁵

The term "in conjunction with" occasionally proves to be a problem when someone claims that an arrest action was improper. The law permits the state police to call any county or local department for aid and assistance. It also requires the director of state police to develop a plan for cooperating with county and local departments. These departments are required to respond with aid and assistance and to follow the plan of state-local cooperation.

Great Lakes Authority

The sheriff of a county bordering Lakes Michigan, Superior, and Huron have jurisdiction of all offences committed within the limits of the state. Any charges filed by the sheriff may be tried in either of two counties nearest the place where the alleged offense was committed.²⁶

County Jail Administrator

Administering the county jail is a major statutory duty of the county sheriff. In an earlier day, becoming county sheriff meant that the sheriff got to live in the sheriff's residential quarters and that his wife got employment by cooking the meals for the prisoners. What happened to the relatively few prisoners behind those barred windows was of little concern to many people. (The county board of commissioners may still determine whether the sheriff's residence is to be part of the county jail.²⁷)

A great deal has changed since then. The operation of county jails, as with other governmental functions, has been caught in a web of intergovernmental regulations. The federal government, primarily through the federal courts, and state government are now heavily involved in how these facilities are run and managed.

The Politics of Incarceration

Over the decades, American society has been frustrated with how it should handle those people who violate its major rules. We once called our major criminal custodial facilities "penitentiaries." The idea was that violators would remain there as a form of penance or until they repented of their crimes. Gradually the names began to include the word "corrections" to indicate that our places of confinement were not only places where society meted out punishment but where those confined would be corrected—that is, taught how to live within the legal bounds of society.

Critics of the criminal justice system often suggest that the corrective approach does not work. They point to high rates of recidivism—the extent to which "corrected" persons return to prison for committing subsequent crimes. Critics also point out that while in prison, younger and less experienced criminals learn from the more experienced how to become more proficient in their "line of work." Defenders of the correctional approach argue that it was never really given a fair chance—that facilities and staff in most facilities were never sufficient to enable correction to occur.

Correctional techniques such as educational programs, psychological counseling, prison work experience, as well as supervised parole, are still in use. But society is somewhat tired of the corrections approach and now largely views prison confinement as punishment or as a way of removing habitual or violent criminals from society. In Michigan, for example, voters approved a referendum issue in 1978 that denied state corrections officials the authority to grant parole until prisoners had served at least their minimum sentences.²⁸ And the phrase "Three strikes and you are out!" has become commonplace from Maine to California. The difficulty with this philosophy, of course, is the cost of housing prisoners. In 2007, the cost per prisoner can exceed \$30,000.

In addition, society, as reflected through acts of the state legislature, continues to demand stiffer sentences for violators. Examples include mandatory jail terms for drunken drivers, those who refuse to make child support payments, those caught possessing or selling drugs, and numerous other crimes. The legislature is continually pressured to write mandatory minimum sentences into the laws they pass. For example, courts are directed to add two years to the sentences of those convicted of committing a crime with a gun. Judges sometimes resist these actions because, they say, it reduces their discretionary authority on how best to deal with a person before the bench. Even so, others complain bitterly that those arrested are "back on the streets" within days or even hours of their arrest.

How does all of this affect the county sheriff and the county board of commissioners? The short answer is in the form of demands for larger jails and indirectly, as growing pressure on county budgets. The longer answer is more complex but worth recounting. Recent history has two tracks; one deals with the

Michigan situation, the other with federal and state law regarding jail standards and conditions.

Shortly after voters required prisoners to serve their minimum sentences, they were given a chance to approve additional funds for new state prisons. Voters defeated the proposal overwhelmingly. Subsequently, the legislature passed a law permitting the governor to declare an emergency when state prison population exceeded prison capacity.²⁹ Persons who were nearing the end of their sentence could then be released early. Governor William G. Milliken invoked this authority on several occasions to relieve prison overcrowding, even though the state also opened several new prisons during his tenure as governor. Judges, being sensitive to citizen criticism and to the new legal requirements, began sentencing criminals to terms that would be served in county jails rather than state prisons. Judges were reasonably confident that the term imposed would be served if prisoners were sentenced to county jails instead of to the state's "big houses." These actions, of course, transferred at least part of the financial burden to counties. Many county jails became overcrowded as well. In some cases, county sheriffs transferred, for a fee, prisoners to other county jails that had unused beds. The legislature also passed an emergency jail overcrowding law for counties, thus requiring the selective early release of some prisoners or the construction of new facilities.

Following the killing of an East Lansing police officer by two persons who, perhaps, would have been in prison under older rules, Governor James Blanchard refused to relieve state prison overcrowding through the emergency powers procedure. Meanwhile, the state dramatically increased construction of additional prison facilities. The pace continued under the leadership of Governor John Engler—the capacity of the state system expanded to 38,841 prisoners. During the summer of 1995, occupancy had reached 38,495 and Governor Engler recommended appropriations for another 5,439 beds; the legislature approved 2,847. Meanwhile, the annual budget for the Department of Corrections had grown to \$1.315 billion by 1995. A decade later, the policy has been funded by \$1.94 billion despite a period of fiscally strained state revenues. The legislature projected the state's average prison population to reach 51,490 in 2006-07.³⁰ As part of the strategy for resolving the state's budget and economic crisis in the 2007 budget year, Governor Granholm and others began pushing for ways to reduce the prison population and the possible closing of state facilities.

Legal requirements

The second part of the story involves the definition of inappropriate jail or prison conditions and protections against cruel and unusual punishment afforded by the 8th Amendment to U.S. Constitution. The 1961 U.S. Supreme Court decision in *Monroe v. Pape*³¹ initiated a series of cases and actions that eventually found their way to conditions in county jails. The decision recognized the right of prisoners to sue responsible parties for compensatory and punitive damages if constitutional rights are being denied. More recent decisions placed the burden of proof on prisoners and required them to establish that certain restrictions or conditions are not reasonably related to legitimate governmental goals,³² and direct lower court judges to restrict their rulings to federal and state constitutional and statutory provisions.³³ But as is the case with many policies, the pendulum often does not change until it reaches a ridiculous extreme. It is argued that some

prisoners, with little else to do than conjure up lawsuits, have reached that point. The National Association of Attorneys General, for example, listed the most frivolous cases—in Ohio, prisoners sued to have an orthopedically correct wooden gymnasium floor, to wear sunglasses, have park benches, own Soap on a Rope, and have *Rolling Stone* magazine delivered to isolation cells.³⁴ In the state prisons, inmates have sued to have color television sets.

County role

Together with the state government, counties provide a distinctive role through the operation of jail facilities. State law requires each county to establish a jail (although the jail need not be located at the county seat) or to contract with another county for keeping prisoners. Counties that go the contract route are required to have a "lockup" facility for short-term custody. Other local units of government do not have a state mandate for a lockup, although some cities have facilities for short-term custody.³⁵

The county sheriff is given responsibility for the jail and custody of the prisoners assigned to the jail and is directed to maintain custody until the prisoner "is lawfully discharged." The jail is for use by all units of government within the county, even for persons who commit offenses against city, village, or township ordinances if the governmental unit is part of a first or second class district court area.³⁶ (First class district courts are countywide jurisdictions; second class districts have jurisdictions of less than a county.) Municipalities that have district courts of their own are third class districts and usually are charged a fee for use of the jail because they receive directly the fine and court fee revenue. The obligations of the sheriff and county do not apply to the prisoners of other counties (unless it is by contractual agreement) or to federal prisoners. County sheriffs are not required to accept federal prisoners unless the federal government agrees to pay the cost of the custody.³⁷ (Counties having excess jail capacity often find the custody of federal prisoners generating revenues and helping to finance jail costs because the federal government is more willing to pay a higher per prisoner fee.)

State law makes sheriffs and their staffs the parties responsible for prisoners. The sheriff, for example, is liable for damages to an aggrieved party in the event a prisoner is released or escapes.³⁸ The liability is limited, however; if the escape occurs because the jail itself is inadequate, the county board must reimburse the sheriff for any judgments against the sheriff.³⁹

State jail rules

Although judges are not quite as "free wheeling" about jail conditions as they once were, the series of cases discussed earlier affected county jail conditions significantly. Following adoption of the 1963 Michigan Constitution, the state Department of Corrections was given expanded authority over county jails. The court decisions led to the adoption of administrative rules that sheriffs and county boards are obligated to follow.⁴⁰ The rules cover numerous details regarding county jails. Before a county builds a new jail or addition, for example, the Department of Corrections must review and, in effect, approve the plans before a contract is signed.⁴¹ In general, the rules require one-person cells of minimum size depending on the degree of security sought and the access to other activity space.

The state rules also outline the responsibilities of the jail administrator regarding other conditions. Counties must provide health care for prisoners, protect prisoners from self-injury or injury by others, and provide separate areas for prisoners by classification type and for those under the age of 17. The rules cover such other topics as jail records, minimum staffing, training of staff, prisoner rights regarding availability to legal services, printed copies of inmate rules, disciplinary hearings, visitation rights, and the practice of religion. These rules pertain primarily to the county sheriff as the county jail administrator. However, because county boards make appropriations for the county jail, they could become involved in actions that result from inadequate funding. In February 2007 the weekly television show, *Sixty Minutes*, reported prisoner allegations against state prisons regarding unreasonable controls such as keeping a prisoner in restraints for extensive periods and only infrequent oversight by prison guards. No doubt, the television images generated questions about what constitutes appropriate care.

A few other points should be noted. One is that while the legislature passed a law permitting the sheriff to follow a procedure to release prisoners when a county jail is overcrowded, the state supreme court ruled the statute unconstitutional. The main point in this case, arising out of Kent County, was that only the governor has the power to commute a sentence.⁴² Another is that the board of commissioners may seek to recover health care costs from the prisoner or from a third-party insurer if the prisoner is covered.⁴³ Moreover, the county is not obligated to provide continuing care of a person after he or she is released from custody.⁴⁴ And state law only recommends minimum training standards for jail staff, a point we discuss more completely later. The present ground rules do not mean, of course, that the sheriff or county board need not provide for training. Because of the liability of the county for many acts of its employees, it would seem prudent for the county board to review training standards for jail personnel with the county sheriff.

Sheriff as Corrections Officer

Although society seems to have little hope for the corrective approach in dealing with lawbreakers, sheriffs still have an important role in helping prisoner correction to occur. It is perhaps more the case in county jails than elsewhere because persons sentenced to county jail, for the most part, are first-time offenders or persons who have not committed violent crimes. They may be susceptible to "corrective" actions and become contributing residents upon their release.

Prisoners can gain early release by earning good time. It complicates life a little for the sheriff, but rules of the Department of Corrections require the sheriff to publish the rules of conduct. For each six-day period in which a prisoner does not violate the rules, he or she is entitled to one day of "good time." The sheriff has discretionary authority to forfeit good time as punishment for breaking the house rules. A Michigan Sheriffs' Association publication suggests that sheriffs should also establish a hearing procedure for such disciplinary actions to avoid violating the principles of due process protected by the U.S. Constitution.⁴⁵

A second correctional dimension of a county jail operation can involve "day parole." The law permits day parole for several purposes including looking for

employment, actual working, going to school, or getting medical care. The court rather than the sheriff has the discretionary authority to permit day parole but the sheriff's willingness to make necessary accommodations is probably influential in the decision. Day parole has several advantages—employed prisoners pay for their keep at the county jail, contribute to the support of their dependents, and, of course, maintain their employment. Such prisoner earnings, as determined by a resolution of the county board, are collected either by the sheriff or the county clerk.⁴⁶

The County Jail—Joint Responsibility

We have hinted at the interaction of the sheriff and the board of county commissioners in providing incarceration services in the county. In general, the county sheriff is charged with the duty to operate the jail. The county board is responsible for providing a suitable facility and maintaining it in good condition. In a way the sheriff is a tenant in the county board's facility. The analogy doesn't fit perfectly, though, because the county board also has some authority in providing for jail services. For example, county boards have statutory authority to provide by contract for the supplies needed to operate the jail.⁴⁷

Some county boards contract with the sheriff as an independent agent to feed the prisoners. This has both advantages and drawbacks. On the plus side, it clarifies the sheriff's responsibility to assure that the inmates are fed properly. It also gives the sheriff another incentive for staying within the food budget, at least on a per prisoner-day basis. And it means that county commissioners and their staffs have just one less thing to worry about.

On the negative side, the sheriff seems to be in a position of competing interests—as jail administrator the sheriff wants to assure that prisoners are fed properly, yet at the same time must be concerned over the profit margin. But if the board asks the sheriff to oversee kitchen operations as part of the regular duties, the sheriff may emphasize food quality over the need to operate within the budget allocations. And from the perspective of the public, it may not be the best arrangement. A possible alternative is to contract with a third-party with the sheriff having a role in the selecting a contractor and being the overseer of the third-party contractor.

This interaction between facility and program can be a source of contention and disagreement. While both the commissioners and the sheriff are elected, their political constituencies are not identical. They also follow different political career paths. Often these divergent interests have no easy reconciliation. The sheriff, speaking as an individual officer, can speak with the clarity that a group cannot. The sheriff also has the advantage of dealing with an issue about which citizens have been highly concerned.

Commissioners, on the other hand, have the task of balancing available resources among competing needs. Demands for jail space and jail operating costs have risen significantly in many counties and have forced commissioners to discontinue some highly favored programs or ask votes for special millage. The commission's decisions, thus, almost always have the quality of compromise and are subject to criticism and second guessing, especially when something goes awry. As an administrative manager, the sheriff also runs similar risks on a

variety of fronts other than on jail matters. In the next section we look at some of the administrative dimensions of the county sheriff role in county government.

The Sheriff as Department Manager

As heads of county police departments, sheriffs are primarily administrators. That is, they depend on others to carry out the duties of the department.

Meanwhile, a sheriff's main effort is invested in the management role of personnel administration, participating in the collective bargaining, administering the terms of the contract, securing and managing the financial resources for the department, handling the public relations aspects of the department, and developing policies and programs in pursuit of departmental goals and objectives. The scope and complexity of these duties, of course, vary from county to county, but the substance of the tasks in each county is comparable.

Like the other county officials who gain office through the election process, the sheriff is not an ordinary county administrator. The state constitution provides for the office, the constitution and statutes specify the duties of the office, and the voters elect persons to the office. All these factors provide this administrator with a degree of independence and responsibility that some other administrators may only dream about.

Personnel

One of the important duties of the county sheriff is to select, train, and coordinate the personnel of the department. One of the first appointments new sheriffs make is that of undersheriff, in effect the chief deputy. According to statute, the undersheriff holds office "at the pleasure of the sheriff."⁴⁸ That would usually assure that the undersheriff will remain loyal, professionally and politically, to the sheriff.

The courts, though, have put a few curbs on the sheriff's "pleasure." A federal judge ruled that the sheriff could not properly fire an undersheriff because the latter said he intended to or was considering running against the sheriff in the next election. Such retribution was ruled a violation of the undersheriff's rights under the U.S. Constitution.⁴⁹ It would also probably be improper for a new sheriff to fire a carry-over undersheriff strictly because the undersheriff was of the wrong political party. Sheriffs wanting to take such actions now have to think of other supportable reasons that do not violate individual constitutional protections.

Sheriffs are probably better off selecting undersheriffs on some basis other than political allegiance anyway. Although sheriffs may reach office through the political route, citizens are probably more interested in effective police protection than in the sheriff's political preferences. Skill in police work or in organizational administration may be better reasons for selecting an undersheriff.

Deputies

Deputies are the major part of the work crew of a sheriff's department—the sworn officers of the department. The act states that a sheriff may appoint one or more deputy sheriffs "at pleasure" and may revoke those appointments at any

time.⁵⁰ This seems to be a fairly straightforward grant of authority, but it is no longer entirely that simple.

Sheriffs' authority to hire and fire now has some operational limits. One such limit relates to the constitutional protections discussed above in connection with the undersheriff. The rules and procedures contained in a collective bargaining agreement form a second set of restrictions—the sheriff is bound to follow the provisions of a labor contract with respect to deputies.⁵¹ Moreover, the mandatory arbitration provisions of the public employment relations act give deputies, through their unions, important powers to leverage the county sheriff for concessions in the negotiations process.⁵² Other limits derive from the veteran's preference act,⁵³ and the forensic polygraphic examiners act.⁵⁴ (It is worth noting here that the state court has ruled that a veteran must enforce the protections provided in the act when it said that a veteran forfeited his rights when he failed to file a written complaint.⁵⁵)

County civil service systems may also restrict county sheriffs' hiring and firing powers. State law permits three types of county civil service systems to be created. First, the state constitution provides a general, self-executing civil service system for local governments.⁵⁶ The Oakland County system rests on this authority. Second, counties with populations of more than 400,000 may create a civil service system for county sheriff deputies. In this case, the civil service commission consists of three persons, two appointed by the board of county commissioners and one elected by the members of the sheriff's department. The broad powers of the civil service commission also restrict the sheriff's authority to hire and fire.⁵⁷ And a third civil service act is available to counties with a population of more than one million.⁵⁸ Civil service systems have not had much statewide acceptance in county government. They are even less popular in today's environment where employees seek control over the working conditions through collective bargaining.

The Michigan Commission on Law Enforcement Standards (MCOLES) with its authority to establish minimum employment standards for police officers is yet another limitation on a sheriff's authority to hire deputies for police work.⁵⁹ An officer must pass a pre-employment test and successfully complete a course in police training, be a U.S. citizen, be at least 18 years of age or meet a higher department age requirement, be a high school graduate or equivalent, and have no felony convictions.⁶⁰ Costs of training are shared between the state and county—the state bears the educational and lodging costs and, if necessary, the county pays the person's salary.⁶¹ New recruits are often expected to arrive with training from a community college or other training facility.

Sheriffs generally have more flexibility in appointing what the act calls "special" deputies. A sheriff may appoint a person as a special deputy with limited and specified duties. Some sheriffs use this authority to deputize a mounted division primarily for limited crowd management such as at the county fair and sometimes for parade purposes. A sheriff may also appoint persons as special deputies to protect private property. Such deputies are not county employees although the board of commissioners may require them to report "all their official acts" to the county clerk.⁶²

As a general rule, county sheriffs do not deputize county jail corrections officers although regular deputies, of course, may be assigned to this duty, as often happens in small counties. Constitutional protections and union contracts limit a sheriff's authority to fire such employees.

Michigan law recommends, but does not require, 160 hours training for these officers. The state recommends training standards rather than requiring them because mandating the standards would probably require the state to bear the entire cost of such training. Nonetheless, training of county correction officers is taking place with some state financial assistance. Programs are conducted in various locations throughout the state on a joint financial basis; county budgets bear the expense of having correction officers in classrooms rather than at their posts in county facilities.

One final but important note on the hiring limits of county sheriffs—the board of county commissioners sets the maximum number of regular deputies that the sheriff may put on the county payroll.⁶³ Sheriffs or county prosecutors may appeal to the circuit court to employ additional deputies to meet particular emergencies. The implication is that an emergency is of a limited duration such as a natural disaster. It is not clear that persons so deputized must be qualified as peace officers because it appears that these deputies may be private citizens. Emergency deputies, it seems, should be designated as special deputies with limited specific authority. The county board, by resolution, sets the compensation for these persons who for the time are county employees.⁶⁴

The county board may determine whether individual surety bonds are necessary for the regular deputies. If it decides they are, the amount must be at least \$2,500. The board may pay the premium if it chooses.⁶⁵

What we find, then, is that a few general statutes seem to give county sheriffs a great deal of authority in selecting departmental employees. Until perhaps the mid-1960s, sheriffs had and used such authority rather freely. Gradually, however, other legislative actions and court decisions chipped away at this authority. Today sheriffs still have considerable power in selection and retention practices, but not the power they once had. The day of a political patronage in the sheriff's department has pretty much disappeared. Sheriff deputies and their families in many counties, however, are still potent political groups when it comes to electing county sheriffs. Some sheriffs may still relish "the good old days" but overall the changes probably brought professionalism to county police departments and increased public respect for them.

Budget and Finance

Another major administrative responsibility of county sheriffs is the departmental budget. In counties with relatively small populations, the number of deputies on the county sheriff payroll may be small. Such counties may have no jail. And total expenditures in these counties are comparatively small. But in other counties, the departments are sizable and the number of employees considerable. In these counties, managing the departmental budget is a substantial administrative task.⁶⁶ An early statute that remains on the books as of this writing requires the county sheriff in counties with populations ranging from 150,000 to 300,000 to appoint an under-sheriff who is a competent accountant and who is

assigned the task of keeping the books of the office. With more current statutes addressing budgeting and accounting, this statute may not be especially pertinent in most counties of this size. Nonetheless, it points to the need for someone in the department to oversee the financial matters.⁶⁷

The sheriff's department, like many governmental departments, is labor intensive. Thus, much of the budget is used for wages and salaries. That eases the job because it means a good portion of the budget is fairly predictable—the number of personnel and the amounts of the annual salaries and fringe benefits are pretty well fixed. But the department also has a number of unpredictable conditions. Overtime compensation is one of them. Before the days of collective bargaining, court appearances for deputies came with the job; overtime pay did not. Today, appearances in court to testify on cases mean one of two things—a deputy is pulled away from a regular assignment or appears on an overtime pay basis. With laws such as the drunken driving law imposing more severe penalties, more cases are contested. As a result, officers are often involved in testifying. Consequently, overtime pay budgets rise.

Other uncertainties in the county sheriff budget involve the question of how many "prisoner days" a sheriff will have for the county jail. There are implications for food costs, health care expenses, the number of correctional personnel, and perhaps even the need to rent space in other county jails to accommodate prisoners that are sent the sheriff's way. Or the sheriff may end up with exceptional costs on transporting prisoners to other jails or, perhaps, to state prisons. A revenue dimension relates to the occupancy rate as well—a number of counties have intentionally overbuilt their jails so they could rent cells to other agencies. In such instances, of course, budgetary expectations pressure the sheriff to generate a certain sum in rental fees. In some counties, this approach has worked reasonably well; in others it has proven to be a precarious business with all the vicissitudes of the private marketplace. Moreover, some judges may see the availability of jail space as an opportunity to "crack the whip" on more people appearing before the courts.

Somewhat predictable are equipment costs and operating expenses. Traditionally, most sheriffs have been able to develop data on vehicle expenses but with the general trend of accelerating fuel prices, estimating fuel costs becomes more problematical. Predicting accidents that may destroy a patrol car, or when an engine will blow, is not an exact science either.

Relations with County Boards

Sheriffs sometimes want to throw up their hands at the questions county commissioners raise about the sheriff department budget requests. If the board is doing its job, it must ask questions. The general purpose should be to assure commissioners and the public that the proposed expenses are necessary and justified. And sheriffs should be prepared to produce data to show the pertinent trends in the county that affect the operating costs and justify the budget needs.

In our view the county sheriff budget should provide several program divisions such as for jail operations, road patrol, administration, and other programs. One can reasonably argue that the uniform budget act requires such "cost centers."⁶⁸ And the county board's budget resolution should appropriate the funds for each

of the several categories. These appropriations, for the most part, would not be subject to change without board approval. Some sheriffs may prefer another arrangement, as may some commissioners. However, appropriations based on cost centers, improves commission understanding of the sheriff's departmental budget and it helps each group to be more accountable to each other and to the public.

Sheriff Department Revenues

Sheriff departments are largely revenue consumers, not revenue generators. The departments, however, can bring in some operating revenues. Most of the smaller revenues from county sheriff departments come from general fund sources.

Secondary road patrol funds

In 1979 the state began providing funds for county secondary road patrol and traffic accident prevention. In 1991 the legislature created a secondary road patrol and training fund. The legislature then required those who impose traffic fines to add to the "costs" of \$5, now \$10, and to forward it to the fund. These revenues are managed by the Department of State Police for grants to support secondary road patrol, traffic accident investigations, and emergency assistance to persons on or near the highway.⁶⁹ In addition, the legislature appropriates funds annually for secondary road patrol which the Department of State Police disburses to counties on the basis of a county's patrolled road mileage. Sheriffs must apply each year for the funds and demonstrate that the county is not using these funds to substitute for reductions in other cash flow streams for road patrol services. A county may be excused from this maintenance-of-effort standard if it has made general reductions in its overall budget. Also, the court ruled, a county is not deemed to be disqualified if revenue from township contracts is used as a substitute for county appropriations.⁷⁰ The amount of this fund varies from year to year.⁷¹

Drunken driving enforcement

County sheriff departments indirectly receive federal grant funds. The Michigan Office of Highway Safety Planning disburses these funds. Grants to counties are limited primarily to projects to discourage drinking and driving. As a general rule, county sheriffs must apply for the grants, although the Michigan Office of Highway Safety Planning notifies sheriffs and other local police officials that their areas may qualify for funding on the basis of specific data.

Marine safety enforcement

The state Department of Natural Resources (DNR) administers a grant program that assists county sheriff departments involved in enforcing the marine safety act or local ordinances that generally conform to the act. The funds come from a portion of boat licenses and are disbursed through the DNR. The statute directs the DNR to review county expenditures for marine patrol and to reimburse up to three-fourths of the expenditures. The actual amount of the payment, however, can be less depending on the amount of funds available for distribution to the county and other marine safety units.⁷² The DNR funds come from the Michigan Conversation and Recreation Legacy Fund provided for in the state constitution.⁷³ The appropriations for 2006 amounted to \$2.08 million.

Counties seeking this aid must apply to the DNR by completing DNR forms by December 31 of each year. Criteria used by DNR to determine if the program will qualify for state aid include the number of boat-user days, boat liveries inspections, and boat accesses, number of officers to police the waters, as well as the water area in the county and estimated level of compliance with the act.⁷⁴ A report of actually authorized expenditures for the prior year must be filed within 90 days after the close of the calendar year in application for the reimbursement.

Counties and other local units may adopt appropriate portions of the Marine Safety Act as local ordinances for the water areas within their boundaries. In general a local ordinance must conform to the state statute but special rules may be included after review and approval by DNR. Most violations of the ordinance or statute are classified as misdemeanors. However, an arrest for operating a motor boat a third and subsequent time within a 10-year period while under the influence of alcohol or controlled substance is a felony. Regardless of which ordinance applies to a given water body, the county sheriff department is charged with the responsibility to enforce these laws.

Liquor law enforcement

County government is not primarily involved in the process of licensing liquor establishments. This responsibility in the first instance, belongs to cities, townships, villages and the state liquor control commission. Those units also are responsible for inspecting these establishments to assure that the conditions of the license are being followed.

The Sheriff as Court Officer

Most of us have a great deal of respect, and sometimes fear, for judicial power. Yet the judges only speak from the bench or write orders. Why should they be so powerful since they themselves have no resources to carry out their orders? The key to their power, of course, is our agreement as a society to abide by the rule of law and the commitment of the various police forces to carry out judicial orders. County sheriffs and their deputies have a key role in giving reality to judges' commands.

Sheriffs and their deputies serve as officers of the courts in their counties. One duty in this role is to preserve and maintain order at the sessions of circuit court. Officials have become increasingly concerned with the threat of violence in county courtrooms. In numerous instances, the concern is reflected in the installation and use of metal detectors such as those used at airports. In some cases, judges themselves have taken to having a weapon on the bench. And more generally, the concerns have led to more frequent presence of sheriff deputies in the courtrooms. Circuit judges have the authority to determine and regulate the attendance of the sheriff and deputies at court sessions. They may also impose fines on police officers for failure to comply.⁷⁵

Sheriffs or their deputies may also be required to serve and execute court orders, and deliver summonses, writs of attachment, warrants to apprehend a witness or other person, and "precepts to summon a jury."⁷⁶ In addition, sheriffs are responsible for making certain that court orders and judgments are carried out. In connection with the jury summons, a judge may also order a sheriff or deputy "to attend the jury and take charge of them," a reference to meeting the physical

needs of a jury as well as to isolate them and provide security when necessary. Again, failure to perform these duties is punishable by a fine to be imposed by the judge of the court whose orders are violated.⁷⁷ When a sheriff vacates the office for any reason, all pending court orders are automatically transferred to the successor.⁷⁸

THE COUNTY PROSECUTOR

County prosecutors are key figures in the Michigan law enforcement system. They are situated between the courts and policing agencies—county sheriffs, state and local police, and other agencies that have the task of discovering violators of state and local laws. They screen and approve the charges brought against criminal violators and then follow up in the courts by presenting the people's case. Counterparts at the federal level are district attorneys appointed by the president to the U.S. Department of Justice. At the state level, the attorney general carries out this role; at the level of community government, city and township attorneys.

QUALIFICATIONS FOR OFFICE

The state constitution establishes the office of county prosecutor.⁷⁹ It is an elective partisan position, one we fill every four years at the county level at the same time we elect other county officers and the president of the nation. Candidates for the office file petitions or pay a filing fee under the same conditions that apply to candidates for the office of sheriff and the other elected county officers.

Candidates for most countywide offices must be registered voters in their county and the law imposes no experience, training, or licensing requirements. For the office of prosecutor, though, only licensed attorneys need apply. This requirement derives from common law, one you will not find stated in the constitution or in statutes. In 1855 the Michigan Supreme Court ruled that a "person not previously admitted as an attorney at law is not eligible to the office of prosecuting attorney." The opinion explained that this was the "popular understanding before the revised constitution" (of 1850) and was the uniform governmental practice.⁸⁰ An attorney general opinion went one step further in saying that a person who has not been admitted to the practice of law cannot become a candidate.⁸¹

Vacancy

If a vacancy in the position of prosecutor occurs, the circuit court judge(s) of the judicial circuit fill it by appointment. Judges, rather than the board of county commissioners, make the appointment because the courts view the position as being "quasi-judicial." The appointee then completes the remainder of the term unless, as is the case with appointment to other elected county offices, the vacancy occurs in the first half of the term and more than 182 days before the midterm election. In that case, the appointee serves only until a successor is elected.⁸²

FIRE PROTECTION SERVICES

County government, for the most part, does not become involved in providing fire protection services. This service function traditionally has been the exclusive responsibility of townships, cities, and villages. Thus, when county government does become involved in this service, it is on a cooperative basis.

Two statutes pertaining to counties mention fire protection. Both of them are of a special category. The main one was passed in 1942 as a wartime emergency measure but is not limited in that respect today. It authorizes a board of commissioners for a county with less than a 5,000 population to buy firefighting equipment and to provide for its care and operation. A board of commissioners may also contract with a unit in the county to provide fire protection services to unprotected areas. These actions, however, require a two-thirds vote for approval. The statute does not authorize a county to proceed unilaterally to establish a countywide fire department. The county, under this statute, may only provide fire protection to unprotected areas and then only on a contract basis—the contract must provide for the township agreement to reimburse the county for at least one-half the cost of furnishing the service.¹⁴³

The second statute is special because it pertains only to home rule counties. The reference there is that a home rule county charter may include fire protection services as one of many services that such counties provide.¹⁴⁴

One other form of county involvement in fire protection services is based on an intergovernmental agreement. On the basis of a voter-approved countywide tax, the county may fund the operation of fire departments in the county. Officials of participating village and township governments advise the board on the placement of equipment among the several firefighting units in the county. The council also recommends how the board of commissioners should allocate the funds each year.

Endnotes – Chapter 9

1. Michigan Constitution, Article VII, Section 6
2. MCLA 600.586
3. Michigan Constitution, Article I, Section 4
4. MCLA 168.193
5. Ibid.
6. MCLA 51.72; OAG 5874, 1981
7. MCLA 168.209
8. MCLA 51.68
9. Michigan Constitution, Article VII, Section 6
10. Layton v. Quinn, 328 NW2d. 95
11. MCLA 45.401
12. MCLA 45.421
13. OAG No. 61.49, 1983
14. MCLA 45.402
15. U.S. Constitution, 4th Amendment
16. People v. Thomas 478 N.W.2d 712, 191 Mich App 576 (appeal denied, 483 N.W. 2d 861)
17. MCLA 764.15-764.15b
18. MCLA 257.901
19. MCLA 51.76
20. MCLA 41.181
21. OAG No. 5772, 1980
22. MCLA 45.405

23. MCLA 764.2
24. MCLA 764.2a
25. *Kapson v. Kubath*, 165 F Supp 542 (DC 1958)
26. MCLA 45.10
27. MCLA 791.262
28. MCLA 791.233
29. MCLA 800.71 ff.
30. Public Act 331, 2006 (Corrections Appropriations Act.
31. *Monroe v. Pape*, 365 US 167
32. *Bell v. Wolfish*, 441 US 520 (1979)
33. *Rhodes v. Chapman*, 452 US 337 (1981)
34. *Newsweek*, August 7, 1995
35. MCLA 45.16a
36. MCLA 801.4a
37. MCLA 801.1
38. MCLA 51.75; OAG No. 3377. 1959
39. MCLA 45.18
40. MCLA 791.262
41. MCLA 45.16
42. *Kent County Prosecutor v. Kent County Sheriff*, 425 Mich 718 (1986)
43. MCLA 801.5a
44. *Borgess Hospital v. Berrien County*, 114 Mich App 385, (1982)
45. *Michigan Law Enforcement Manual*, John P. O'Brien and William Voigt, Michigan Sheriff's Educational Fund, Lansing (1982)
46. MCLA 801.255; MSA 28.1747(5)
47. MCLA 801.252 and 801.255
48. MCLA 51.71
49. *Simmons v. Stanton*, 502 F Supp 932 (DC 1980)
50. MCLA 51.70
51. MCLA 423.201-423-216
52. MCLA 423.233
53. MCLA 35.401-35.404
54. MCLA 338.1726a
55. *Jackson v. Detroit Police Chief*, 506 N.W.2d 251, 201 Mich App 173 (1993)
56. Michigan Constitution, Article XI, Section 6
57. MCLA 51.351
58. MCLA 38.401-38.428
59. The MLEOTC was replaced in 1998 by action of Governor John Engler and removed from the Department of Management and Budget. The new "MCOLES" was placed under the authority of the Michigan State Police Department. See MCLA 28.621.
60. MCLA 28.609 Also see MCOLES on the internet.
61. MCLA 28.614
62. MCLA 45.406
63. MCLA 45.405
64. MCLA 45.406; OAG 5178, 1967
65. MCLA 51.70
66. MCLA 141.422a
67. MCLA 51.241
68. MCLA 51.241
69. MCLA 257.629e; MCLA 51.77.
70. *County of Oakland v. State*, 438 N.W.2d 61, 432 Mich 49 (1989)
71. MCLA 51.77
72. MCLA 324.80118
73. Michigan Constitution, Article IX, Section 40.
74. MCLA 324.80117
75. MCLA 600.581
76. MCLA 600.582 and MCLA 600.587
77. MCLA 600.588
78. MCLA 600.588
79. Michigan Constitution, Article VII, Section 4
80. *People ex rel. Hughes v. May*, 3 Mich 598 (1855)
81. OAG No. 803, 1947-48
82. MCLA 168.209
83. MCLA 45.421
84. OAG No. 5677, 1980
85. OAG No. 5334, 1978
86. *People v. Graves*, 31 Mich App 635 (1971)
87. *People v. Florinchi*, 84 Mich App 128 (1978)
88. *People v. Jones*, 48 Mich App 334 (1973)
89. MCLA 767.3
90. MCLA 767.3
91. MCLA 21.47
92. MCLA 21.47
93. MCLA 445.1422
94. MCLA 286.456
95. MCLA 205.214
96. MCLA 49.71
97. MCLA 49.72
98. MCLA 49.160
99. MCLA 49.32
100. MCLA 201.35
101. MCLA 28.425a
102. *Ibid.*
103. MCLA 28.426
104. MCLA 338.827
105. MCLA 338,1057