



**House
Legislative
Analysis
Section**

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Senate Bill 254 (Substitute H-1)
First Analysis (4-5-90)

Sponsor: Sen. Jerome T. Hart
Senate Committee: Education & Mental Health
House Committee: Colleges & Universities

THE APPARENT PROBLEM:

Most state public colleges and universities have established departments of public safety (DPS) to handle various safety-and police-related duties on campus. DPS responsibilities vary among schools, ranging from enforcing campus traffic ordinances to investigating rapes and murders that occur on campus. Although a school's DPS usually works with the local sheriff's department to provide campus law enforcement, incidents have occurred on or near campuses that called into question whether DPS officers or the local police had jurisdictional authority. For instance, who has authority over a county road that traverses campus is sometimes unclear. And even though DPS officers can be deputized by a local sheriff to obtain full police powers, some people fear that a local sheriff (or his or her successor) may choose not to deputize campus DPS officers. Apparently, some local police agencies fear they could be held legally responsible to reimburse deputized DPS officers for certain duties as deputized officials or for injuries that occurred to these officers while they were deputized, as it is not clear who these deputized officers are working for. To correct these problems, legislation has been proposed to allow the governing boards of public colleges and universities to grant their DPS officers the same police powers as those granted to peace and police officers under state law.

THE CONTENT OF THE BILL:

The bill would create a new act to allow the governing board of control of a public 4-year postsecondary school to grant the school's public safety officers the same powers and authority granted by law to peace and police officers.

Police Powers. The governing board of control of a public 4-year institution of higher education created under Article VIII of the State Constitution of 1963 could grant the school's public safety officers the same powers and authority as granted by law to peace and police officers so they could enforce state law and the school's ordinances and regulations. The board's determination of whether or not to grant police powers could only be made after the board had held at least 2 public hearings on the issue. Public safety officers empowered under the bill would be considered peace officers of the state and would have the authority granted to police officers under the Michigan Vehicle Code.

Deputization. If a school's governing board did not exercise its option to grant police powers to campus public safety officers, the sheriff of the county in which the school was located could not "unreasonably" refuse to deputize the public safety officers.

Jurisdiction. The jurisdiction of public safety officers granted police powers under the bill would include all property owned or leased by a school or its governing board of control, wherever situated in the state, and the

jurisdiction would extend to any public right of way traversing or immediately contiguous to the property. State law governing peace officers could extend the jurisdiction of public safety officers if authorized by the school's governing board of control.

Employment Standards. Public safety officers empowered under the bill would have to meet the minimum employment standards of the Michigan Law Enforcement Officers Training Council Act. Under that act, the Law Enforcement Council is charged with preparing minimum employment standards dealing with the physical, educational, mental, and moral fitness of a police officer, as well as approving police training schools and establishing minimum courses of study and attendance requirements, among other responsibilities.

Crime Reports. Regardless of whether or not police powers were granted to a school's public safety officers under the bill, the school's public safety department would have to submit monthly uniform crime reports relative to crimes that occurred within the department's jurisdiction to the Department of State Police just as local police agencies are required to under Public Act 319 of 1968.

HOUSE COMMITTEE ACTION:

The House Committee on Colleges and Universities adopted a substitute which differs from the Senate-passed version of the bill in that it would 1) require a college/university board to hold 2 public hearings on whether or not to grant police powers to campus DPS officers, 2) specify that if a board chose not to grant police powers to DPS officers, the local sheriff could not "unreasonably refuse" to deputize the campus officers, and 3) require a school's DPS to submit a monthly uniform crime report to the Department of State Police.

BACKGROUND INFORMATION:

Saginaw Valley State University's governing board was authorized to grant police powers to campus DPS officers under Public Act 21 of 1982. This is currently the only state public college or university board allowed to grant such powers to its DPS officers.

FISCAL IMPLICATIONS:

According to the Department of State Police, the bill would not have fiscal implications for the department or the state but could have revenue implications for local governmental units. As the bill would be permissive, any changes in responsibilities and/or costs to local governments and their police agencies would depend on which 4-year colleges or universities exercised the option to grant police powers to campus DPS officers. According to Ann Arbor's city administrator, if the University of Michigan chose to empower its DPS officers under the bill the city could lose between \$500,000 and \$550,000 annually (as the city would lose revenue raised from various traffic fines issued

on campus property). Further, according to the Ingham County Sheriff's Department, if a college/university board chose not to empower its campus DPS officers the bill could have fiscal impact to the governments of local police agencies as a local sheriff would then have to deputize campus DPS officers; under this scenario, a local government could be held legally responsible to pay for duties performed, or injuries received, by DPS officers who were working as locally-deputized officers. (4-4-90)

ARGUMENTS:

For:

A number of the state's public higher education institutions, such as Oakland University, Grand Valley State University, and Central Michigan University, have sought the authority — similar to that granted to Saginaw Valley State University's governing board under Public Act 21 of 1982 (see BACKGROUND INFORMATION) — to empower their DPS officers with the same powers and authority that peace and police officers have by statute. Campus police are often better able to handle campus incidents as they are usually near at hand when crimes occur. DPS officers are already well-trained to handle nearly every law enforcement situation, and would have to meet minimum training standards of the Michigan Law Enforcement Training Council Act if granted police powers under the bill. Furthermore, by granting their DPS officers police powers, a school's governing board could reduce the potential liability of sheriff's departments who (usually) deputize these officers now. Most public college and university boards have indicated they would grant police powers to their DPS officers if they were allowed to by statute.

Response: If a college/university board chose not to give DPS officers police powers, the bill provides that a local sheriff could not "unreasonably refuse" to deputize these officers. It could be argued that such a provision is unconstitutional as sheriffs now have discretionary authority to decide whether or not to deputize officers — who, upon deputization, must take an oath prescribed under Article XII of the state constitution. Also, requiring deputization by a local sheriff could be costly as the sheriff (and, thus, the local government which the sheriff serves) could then be considered liable for reimbursement for duties performed (or injuries received) by DPS officers while they worked under the sheriff's deputization.

For:

DPS officers vested with police powers under the bill would be required to meet minimum employment standards of the Michigan Law Enforcement Officers Training Council Act. Under that act, the Law Enforcement Council is charged with preparing minimum employment standards dealing with the physical, educational, mental, and moral fitness of a police officer, as well as other areas related to officer training and development.

For:

The House substitute would require that before a board could decide whether or not to grant DPS officers police powers, the board would have to hold 2 public hearings regarding the decision. By requiring this procedure, public concerns (especially from campus-area residents) could be voiced on the decision.

Response: Requiring a board to hold public hearings would not guarantee that the board would actually listen

to any concerns expressed regarding the decision. The bill should be amended to provide for an oversight committee of a school's public safety department that would be composed of persons representing the concerns of the school's students, faculty, and staff.

Against:

Officials that make up the governing boards of most of the state's colleges and universities differ significantly from other public officials.

These trustees usually serve long terms, up to eight years, and thus are not as subject to the possibility of being ousted due to one decision that may be made early or midway through a term. They are elected in statewide elections or are gubernatorial appointees, and thus are not directly accountable to citizens of university communities, nor to that group of voters who would be most affected by a decision to grant police powers to DPS officers — students.

Against:

If police powers were granted to the University of Michigan's (UM) DPS officers, the city of Ann Arbor could lose nearly \$600,000 in revenue as a result of lost fines from parking tickets issued on campus property, as well as additional funds it receives from the school under an informal contract. The loss of parking ticket revenues and money received from the university under the informal contract could also force the city to consider laying off up to 9 police officers. If nothing else, UM should be exempted from the bill as this university currently has a unique relationship with its local police agency for specific police services.

SUGGESTED AMENDMENTS:

The bill would require a "monthly" uniform crime report to be submitted by a school's DPS to the state police department. According to a department spokesman, although the statute that governs local police agencies also currently requires that a monthly report be submitted the department has proposed legislation that would allow reports to be submitted according to other time parameters. The department suggests removing the "monthly" requirement from the bill. (4-4-90)

POSITIONS:

The Michigan Association of Police supports the bill. (4-4-90)

The Michigan Association of Chiefs of Police supports the bill. (4-4-90)

Representatives of the following testified at one of the two House Colleges and Universities Committee meetings (held on 3-26-90 and 4-2-90) in support of Senate Bill 254, Substitute H-1:

Michigan Fraternal Order of Police Michigan Association
of Campus Law Enforcement Administrators
University of Michigan (UM)
Michigan State University (MSU)
Oakland University (OU)
Central Michigan University
Lake Superior State University
Saginaw Valley State University
Eastern Michigan University
Michigan Law Enforcement Officers Training Council
Associated Students of Michigan State University
(ASMSU)

MSU Council of Graduate Students
MSU Residence Halls Association
Wayne State University Public Safety
Ferris State University Public Safety
OU Public Safety and Police
UM Department of Public Safety
MSU Department of Public Safety

The Department of State Police supports the concept of the bill. (4-4-90)

Representatives of the following testified that they would support the bill without the provision that would require DPS officer deputization by the local sheriff if the college/university board refused police powers to DPS officers (4-4-90):

Michigan Sheriff's Association
Ingham County Sheriff's Department
Lansing Police Department
East Lansing Police Department

Representatives of the following testified at one of the two meetings in opposition to the bill:

UM Employees Local 1583 AFSCME (American Federation of State, County, and Municipal Employees)

Michigan Collegiate Coalition (which represents over 200,000 students at the state's 15 public universities)

The UM Student Assembly opposes the bill. (4-1-90)

The City of Ann Arbor has not yet taken a formal position on the bill. (4-3-90)