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BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 254 (as passed by the Senate)  
Sponsor: Senator Jerome T. Hart  
Committee: Education and Mental Health

Date Completed: 9-12-89

**RATIONALE**

Many colleges and universities in the State have established public safety departments to handle a number of safety- and police-related duties on campus. The scope of responsibility varies from one institution to another and ranges from enforcement of campus traffic ordinances to investigation of murders and rapes that have occurred on campus. Most of these colleges and universities work with the local sheriff's department to provide law enforcement on campus. Despite these arrangements, incidents have occurred on campuses in which it was not clear whether the campus police or local police agency had jurisdiction over the matter. A question could arise, for example, over which police agency had jurisdiction over a county road that traversed the campus. Furthermore, campus police officers are authorized to exercise full police powers only when they are deputized by the sheriff of the county in which the college or university is located. Thus, some people are concerned that a sheriff may not be willing to deputize campus police or that an agreement made by a sheriff to deputize a college's officers may not be honored by his or her successor. In anticipation of such situations and to avert the confusion they could create, some people believe that governing boards of public colleges and universities should be able to empower their campus police officers with the same authority that peace and police officers currently possess under State law, since these officers are the primary police agency on most campuses.

**CONTENT**

The bill would create an act to:

- Empower governing boards of public four-year higher education institutions to grant the institutions' public safety officers the same powers and authority as granted by law to peace and police officers.
- Permit public safety officers to enforce State law as well as ordinances of an institution.
- Establish the jurisdiction of public safety officers.
- Set minimum employment standards for public safety officers.

**Powers and Authority**

Under the bill, the governing board of control of a public four-year institution of higher education, created under Article VIII of the 1963 State Constitution, could grant the public safety officers of the institution the same powers and authority as granted by law to peace and police officers, to enable the public safety officers to enforce State law and the ordinances and regulations of the institution.

Public safety officers to whom the powers and authority of peace and police officers were granted would be considered peace officers of the State and would have the authority of police officers provided under the Michigan Vehicle Code.

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### Jurisdiction

The jurisdiction of public safety officers, granted the powers and authority prescribed in the bill, would include all property owned or leased by the institution or the governing board of control, wherever the property was situated in the State. This jurisdiction would extend to any public right of way traversing or immediately contiguous to the property. The jurisdiction could be extended by State law governing peace officers, if authorized by the governing board of control.

### Employment Standards

Public safety officers granted the powers and authority prescribed in the bill would be required 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.)

### FISCAL IMPACT

The bill would result in no direct costs for the State but there could be revenue losses (offset by decreases in service required) for some units of local government that currently provide police protection on a university campus.

Since the bill would be permissive and only would allow governing boards of State universities to grant police officer authority to their public safety officers, any changes in responsibilities and/or costs would be dependent on which universities exercised this option. For example, Saginaw Valley State University is already authorized (under Public Act 21 of 1982) to establish a public safety department with police powers, and the school has done so. The public safety officers at Central Michigan, Eastern Michigan, Grand Valley State, Oakland, Western Michigan, and Michigan State Universities are deputized by the counties in which they reside. The University of

Michigan-Ann Arbor has a contract with the City of Ann Arbor to allow the city to provide police protection on campus; Wayne State University's officers are deputized by the City of Detroit. Lake Superior State University has only its own nondeputized campus security force and receives no special assistance from the City of Sault Ste. Marie.

### ARGUMENTS

#### Supporting Argument

A number of higher education institutions in the State, such as Oakland University, Grand Valley State University, and Central Michigan University, have sought the authority, similar to the authority that was granted to Saginaw Valley State University under Public Act 21 of 1982, to empower their public safety officers with the same powers and authority as granted by law to peace and police officers. Campus police, rather than officers from the local county sheriff's department, often are better prepared to handle incidents that have taken place on campus, since campus police are the primary police agency at the institution. Yet, the bill would not negate the ultimate authority of a sheriff's department over the campus nor restrict the campus police in seeking assistance from the local sheriff's department. Furthermore, some sheriffs' departments reportedly are experiencing difficulty in obtaining liability protection for officers who handle calls on college and university campuses. The bill would reduce the potential liability of sheriffs' departments.

#### Supporting Argument

The bill does not go as far as earlier legislative attempts, which would have allowed boards of control to grant their public safety officers the same authority as deputy sheriffs and the power to serve writs. Furthermore, college boards of control would be permitted, but not required, to increase the power of their public safety officers. Thus, institutions that did not find this empowerment necessary would not have to change their current procedures for hiring or training.

#### Supporting Argument

Public safety officers vested with powers and authority prescribed in 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 approval of police training schools, and establishment of minimum courses of study and attendance requirements, among other requirements. If campus police officers were given additional powers and authority as granted by law to peace and police officers, they should have to meet training standards that must be met by other local police agencies.

### **Opposing Argument**

Public safety officers empowered with this new authority could overlap or duplicate services already provided by local law enforcement agencies. In addition, the universities have not demonstrated the existence of any significant problems that cannot be addressed with existing authority. The bill could result in an increased police presence on campuses that may not be warranted.

Legislative Analyst: L. Arasim  
Fiscal Analyst: E. Jeffries

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This analysis was prepared by nonpartisan Senate staff for use by the Senate in its deliberations and does not constitute an official statement of legislative intent.