

**SFA**

BILL ANALYSIS

Senate Fiscal Agency

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Senate Bill 254 (as enrolled)

Sponsor: Senator Jerome T. Hart

Senate Committee: Education and Mental Health

House Committee: Colleges and Universities

**PUBLIC ACT 120 of 1990**

Date Completed: 1-24-91

**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, there have occurred on campuses incidents 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.

- 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 to enforce State law as well as ordinances of an institution.
- Require an institution's governing board to hold at least two public hearings before determining whether to grant such powers to the institution's public safety officers.
- Prohibit a governing board from granting such powers and authority to the public safety officers unless the board provided for the establishment of a public safety department oversight committee.
- Require the oversight committee to receive and address grievances against public safety officers or the department.
- Permit the oversight committee to recommend that disciplinary measures be taken by the institution against a public safety officer found responsible for misconduct in office.
- Establish the jurisdiction of public safety officers.
- Set minimum employment standards for public safety officers.
- Require a public safety department to submit monthly crime reports to the State Police.

S.B. 254 (1-24-91)

**CONTENT**

The bill would create an act to:

**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.

A governing board's determination whether to grant to the public safety officers the powers and authority described in the bill could be made only after the governing board had held at least two public hearings regarding that determination.

#### Oversight Committee

An institution's governing board could not grant police powers and authority to public safety officers unless, before the powers were granted, the governing board provided for the establishment of a public safety department oversight committee. The committee would have to be made up of persons nominated and elected by the institution's faculty, staff, and students, and would be composed of two members each from the faculty, staff, and students. The committee would be required to receive and address grievances against the public safety officers or the department and could recommend to the institution that disciplinary measures be taken by the institution against a public safety officer who was found responsible for misconduct in office.

#### Jurisdiction

The jurisdiction of public safety officers, granted the powers and authority described 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.

The bill specifies that it would not limit the jurisdiction of State, county, or municipal peace officers.

#### Employment Standards

Public safety officers granted police powers and authority 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.)

#### Crime Reports

Whether or not public safety officers were granted powers and authority under the bill, the public safety department of each public four-year higher educational institution in the State would have to submit to the State Police monthly uniform crime reports pertaining to crimes within the department's jurisdiction.

#### 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.

Additional responsibilities that could result in costs to a university include:

- Submission of monthly uniform crime reports to the Michigan Department of State Police.
- Holding at least two public hearings if a peace/police force were considered.
- Establishment of a public safety department oversight committee if a peace/police force were created.
- Provision of law enforcement training, if necessary.

## **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 or 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**

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

**Response:** The bill includes provisions that would create an opportunity for public input on the granting of additional powers and duties to public safety officers by requiring that public hearings be held before such powers were granted and by requiring the establishment of oversight committees at educational institutions to address possible grievances against public safety officers.

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