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COMMUNITY COLLEGE POLICE

Senate Bill 1099 as passed by the Senate First Analysis (6-2-98)

Sponsor: Sen. Jon Cisky

Senate Committee: Judiciary
House Committee: Colleges and Universities

THE APPARENT PROBLEM:

Mutual aid agreements between law enforcement agencies were not addressed by a recently enacted law that grants to community college public safety officers the powers and authority of other law enforcers. (See *BACKGROUND INFORMATION*.) Because mutual aid agreements were not explicitly recognized in the new law, Public Act 51 of 1998, there are limits to the assistance that community college public safety officers have heretofore provided to police officials in nearby jurisdictions.

Under Public Act 51 of 1998 (Senate Bill 614), a community college board of trustees is able to grant to its public safety officers or police officers the powers and authority of peace or law enforcement officers. The jurisdiction and authority of the officers includes all property owned or leased by the community college in Michigan and extends to the public right-of-way traversing or contiguous to that property. Jurisdiction is limited to the protection of persons and property on the community college's property, unless an emergency response is made off campus at the specific request of another law enforcement agency.

Some have argued that Public Act 51 of 1998 should be amended to make explicit reference to mutual aid agreements, and to specify the conditions under which a community college's public safety officers may respond to requests for assistance from police officers in their region.

THE CONTENT OF THE BILL:

The bill would amend the Community College Act to revise provisions enacted by Public Act 51 of 1998 pertaining to campus police. Public Act 51 (Senate Bill 614) allows the board of trustees of a community college to grant to its public safety officers or police officers the powers and authority of a peace or law

enforcement officer. A board may not do so, however, unless it creates a "public safety oversight committee" to receive and address grievances against the campus officers or department. The bill would change the name of that entity to "public safety advisory committee".

In addition, Public Act 51 provides that the jurisdiction of a community college's public safety or police officers granted powers and authority of peace or law enforcement officers is limited to the protection of persons and property on that community college unless an "emergency response" is made off campus at the specific request of another law enforcement agency. The bill specifies, instead, that jurisdiction would be limited to the people and property on the campus unless a "response" was made off campus at the specific request of another law enforcement agency or under a mutual aid agreement with another law enforcement agency.

MCL 389.128 et al.

BACKGROUND INFORMATION:

Public Act 120 of 1990 was enacted to authorize the governing boards of public four-year colleges and universities to grant their public safety officers the same powers as granted by law to peace and police officers. Public Act 51 of 1998 extended this same authority to community college boards of trustees and community college public safety officers.

Public Act 51 of 1998 was one of three tie-barred bills ordered enrolled in March 1998. The first, Senate Bill 614, amended the Community College Act to provide for the comparable police authority. The second, Senate Bill 758 (Public Act 52 of 1998), amended the Revised School Code to allow the board of a school district operating a community college

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(i.e., Henry Ford Community College) to establish a department of public safety for that community college and to grant to the public safety officers the authority of peace or law enforcement officers. The third bill, Senate Bill 752 (Public Act 53 of 1998) amended the Michigan Liquor Control Act to authorize college campus police to enforce that act.

Under Public Act 51 of 1998, community college public safety or police officers to whom the powers and authority of a peace or law enforcement officer are granted must meet the minimum standards of the Michigan Law Enforcement Officers Training Council Act. Further, before granting these powers, a community college board of trustees must conduct at least two public hearings and create a public safety oversight committee. (This bill proposes that the oversight committee would be called the advisory committee.) The oversight committee, comprising two faculty and two staff members, receives and addresses grievances brought by people against the community college's public safety or police officers, or against its public safety or police department. The oversight committee can recommend to the community college's board of trustees or administration that disciplinary measures should be taken against a public safety or police officer who is found to be responsible for misconduct in office.

FISCAL IMPLICATIONS:

According to the Senate Fiscal Agency, the bill would have no fiscal impact on state or local government. (5-7-98)

ARGUMENTS:

For:

Mutual aid agreements are formal documents, or informal yet systematic arrangements, designed by the law enforcement agencies located in a particular geographic region. Typically the agreements evolve to better promote community safety in cost-efficient and effective ways. The agreements usually are entered into by the elected officials of the jurisdictions who are parties to the agreement, and in them they express the willingness of the parties to share or trade particular resources in the event of specific circumstances. For example, the parties may agree to assist each other with traffic control during sporting events, fairs, and festivals, or in the preparation and implementation of regional emergency preparedness plans, or when undertaking criminal investigations.

Before Public Act 51 of 1998 was enacted, some community colleges (among them Macomb, Lansing, Delta, Grand Rapids, Oakland, and Kirkland) already had peace officers certified by the Michigan Law Enforcement Officers Training Council. Mutual aid agreements between local police forces and the public safety departments of these colleges and others are likely and should be encouraged. Consequently, the community college act should be amended to specify that such agreements clearly are allowed. This legislation would do that, and in doing so would authorize agreements for community college public safety departments in the same manner that agreements are authorized for university public safety departments.

POSITIONS:

There are no positions on the bill.

Analyst: J. Hunault

■ This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.