

## MUTUAL AID: LAW ENFORCEMENT

### Senate Bill 806 (Substitute H-1)

**Sponsor: Sen. Philip E. Hoffman**

**House Committee: Local Government and  
Urban Policy**

**Senate Committee: Local, Urban and State  
Affairs**

### Senate Bill 1184 as passed by the Senate

**Sponsor: Sen. Don Koivisto**

**House Committee: Family and Civil Law**

**Senate Committee: Local, Urban and State  
Affairs**

### First Analysis (10-3-00)

#### ***THE APPARENT PROBLEM:***

Generally when the law enforcement agencies of separate units of government work together, they do so with informal service agreements, or occasionally with more formal mutual aid compacts. Those agreements are negotiated between the agencies, in order better to protect the health and safety of citizens in the region. These kinds of agreements also are necessary in communities that cross state lines, despite the fact that the laws being enforced in the two states sometimes may vary, and the training and expertise of licensed officers may be different from state to state.

Despite some differences in laws and training, border cities located in Michigan and adjacent states report that there are times when their law enforcement officers should work closely together. For example, Michigan police officers and fire fighters who work in the Upper Peninsula border community of Menominee, and those from Wisconsin who work across the river in that state's community of Marinette, have at times assisted each other with fire and rescue missions. Further, the Menominee fire chief reports that the well-trained Wisconsin Regional Hazardous Materials Response Team, based in Appleton/Green Bay, recently assisted the fire department in Menominee clean up a hazardous spill of chlorine at the local YMCA.

Having identified the need for local cooperation among law enforcement personnel, a Michigan state senator and his counterpart in the Wisconsin State Senate have worked together to draft legislation that would allow a mutual aid agreement between the two states. The Wisconsin senator has enlisted the support of three

Senate colleagues in that state, who offered written testimony to the committee indicating that Wisconsin has had mutual aid agreements in place with the states of Minnesota, Iowa, and Illinois for several years, and would welcome the opportunity to develop an agreement with Michigan. Consequently legislation has been introduced to enable Michigan law enforcement agencies to develop mutual aid agreements with fellow officers in adjacent states.

#### ***THE CONTENT OF THE BILLS:***

Senate Bill 806 would create a new act to allow a state, county, city, village, or township law enforcement agency of this state to enter into a mutual aid agreement with a law enforcement agency of a physically adjacent state. An agreement first would have to be authorized by the governing bodies of the law enforcement agencies of this state and the physically adjacent state, and would have to include at least all of the following:

--The name and title of the official who could initiate a mutual aid request and a mutual aid response under the agreement.

--The nature of an emergency situation that could initiate a request or a response of the law enforcement agency to or from the law enforcement agency of the physically adjacent state.

--The arrest authority of the officers responding from the law enforcement agency of the physically adjacent

state, which must comply with the peace officers standards commission of that adjacent state.

--The chain of command for the supervision of the responding officers from the physically adjacent state. The bill would require that an agreement entered into under the new act be filed with the Commission on Law Enforcement Standards. The bill also provides that a law enforcement officer from a physically adjacent state, who responded under the terms of an agreement entered into under the bill, would have the same authority and immunity from criminal and civil liability as a law enforcement or police officer of this state.

Under the bill, "law enforcement agency" would mean a police or sheriff's department that had the authority to enforce the general criminal laws of this state or a similar governmental organization of a physically adjacent state.

The bill is tie-barred to Senate Bill 1184.

Senate Bill 1184 would amend the Code of Criminal Procedure (MCL 764.2b) to provide that a law enforcement officer of an adjacent state (Indiana, Ohio, Minnesota, or Wisconsin) would have the same authority and immunity as a Michigan law enforcement officer, if the officer were authorized to arrest a person, with or without a warrant, for a violation of a penal statute or law in the adjacent state; if the officer were on duty as a law enforcement officer in the adjacent state; if the officer notified a law enforcement officer or agency in Michigan that he or she was in this state; and if one or more of the following applied:

--The law enforcement officer was engaged in pursuing, arresting, or attempting to arrest an individual for a violation of a law in the adjacent state.

--The officer was in this State at the request of a law enforcement officer of Michigan.

--The officer was working in conjunction with a law enforcement officer of Michigan.

--The officer was responding to an emergency.

"Emergency" would be defined to mean a sudden or unexpected circumstance that required immediate action to protect the health, safety, welfare, or property of an individual from actual or threatened harm or from an unlawful act. "Law enforcement officer of this state" would mean a law enforcement officer as defined in Section 2 of the Commission on Law Enforcement

Standards Act. (Under Section 2, "law enforcement officer" means a member of a police force or other organization of a city, county, township, village, or of the state, who is responsible for the prevention and detection of crime and the enforcement of the general criminal laws of this state, but does not include any person serving as such solely by virtue of his occupying any other office or position.)

### ***HOUSE COMMITTEE ACTION:***

The House Committee on Local Government and Urban Policy adopted a substitute, H-1, for Senate Bill 806 (H-1) on September 28, 2000. The substitute made the following changes to the Senate-passed version of the bill.

- The substitute amended the title to include the state as one of those units of government authorized to enter into mutual aid agreements with law enforcement agencies in physically adjacent states.
- The Senate-passed version of the bill specifies that the mutual aid agreement include four particular terms, including one that describes "the arrest authority of the law enforcement officers responding from the physically adjacent state." The House committee retained this provision but also added "which must comply with the peace officer standards of the adjacent state."
- The substitute would require that an agreement entered into under the act be filed with the Commission on Law Enforcement Standards.

The House Family and Civil Law reported out the Senate-passed version of Senate Bill 1184 without amendments on September 21, 2000.

### ***FISCAL IMPLICATIONS:***

The House Fiscal Agency notes that Senate Bill 806 would have no direct fiscal impact on either state or local government. (9-28-00)

The House Fiscal Agency also notes that Senate Bill 1184 would have no direct fiscal impact on either state or local government. (9-21-00)

### ***ARGUMENTS:***

#### ***For:***

The *Marinette Eagle Herald*, a newspaper that serves the community of Marinette, Wisconsin, which is

located across the river from Menominee, Michigan, reported on 9-20-99 that the “lack of a mutual aid pact frustrated police.” The article described a drunken driver who was spotted swerving in and out of traffic, running two stop lights. To escape a following patrolman, the driver turned onto the Interstate Bridge and drove into Michigan. Because the Marinette officer did not have jurisdiction, he turned back, leaving the drunken driver loose in the city of Menominee to hurt himself or possibly others.

Yet another incident that dates from the mid-1980s, related by the Marinette police chief, occurred when a Wisconsin officer attempted to stop a car on the Interstate Bridge, but the driver waited until he exited the bridge into Menominee before he stopped. The Marinette police department was later sued by the man for an illegal arrest. As a result of the suit, officers now stop people on the bridge, which causes traffic congestion since there is no shoulder on the roadway.

These kinds of incidents could be avoided if there was a mutual aid agreement between Michigan and Wisconsin. Under such an agreement and at the request of Menominee authorities, the Marinette police officers would have had the authority to pull the drunken driver over in Menominee, and to ticket the lawbreaker who sued for false arrest.

### ***POSITIONS:***

The Office of the Attorney General supports Senate Bill 1184. (9-28-00)

The Department of State Police supports Senate Bills 806 and 1184. (9-28-00)

The Fraternal Order of Police supports Senate Bill 806. (9-28-00)

The Michigan Police Troopers Association supports Senate Bill 806. (9-28-00)

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#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.